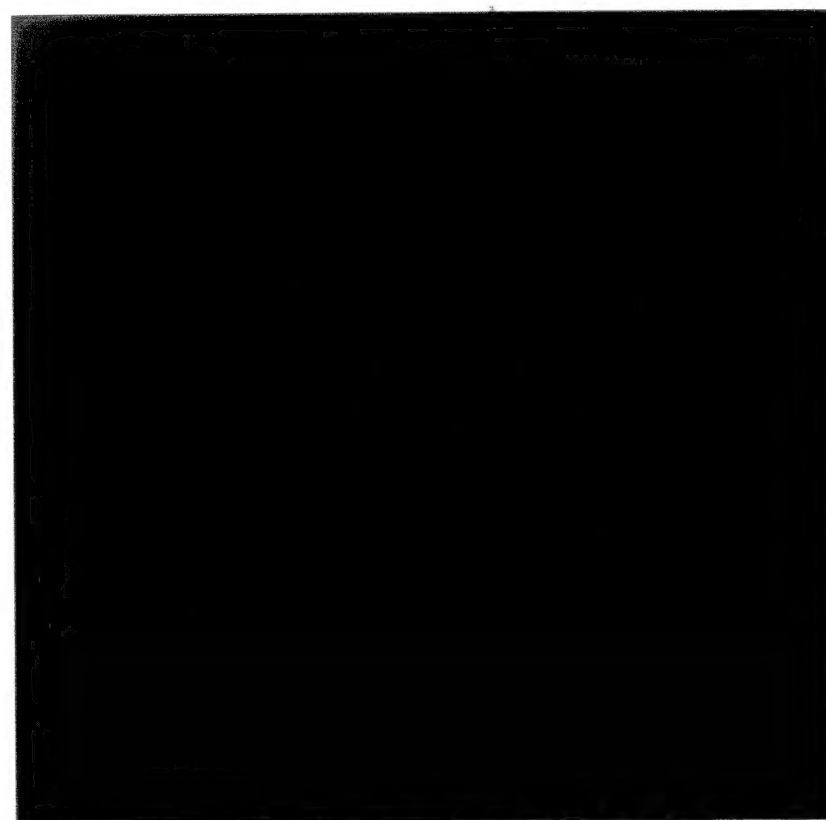
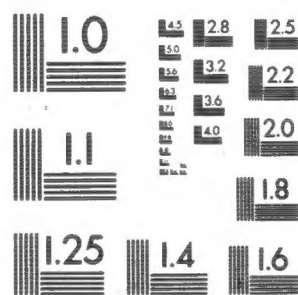
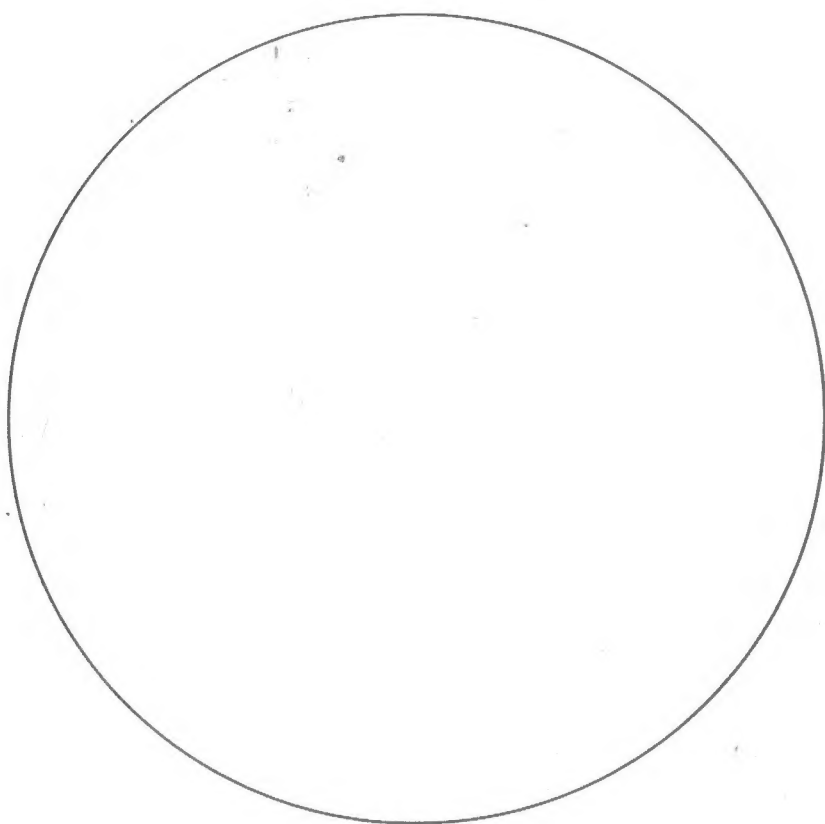
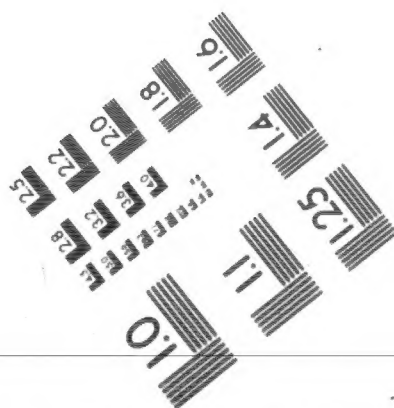


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**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

Roll 42

Choctaw by Blood 6054-6109

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw 6054

Agnes Cobb

Transferred from Memo #93 1-3-07

Granted 1-3-07

6054

Muskogee, Indian Territory, January 15, 1907.

In the matter of the application for the enrollment of

Agnes Cobb  
as a citizen of the Choctaw Nation. 7-6054

Service of a copy of the decision of the Commissioner to the Five Civilized Tribes rendered on January 3rd 1907, together with the customary fifteen days within which to protest against the said decision is hereby waived.

Mansfield M. Murray Cornish

Attorneys for the Choctaw and Chickasaw  
Nations.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 15, 1905.

In the matter of the alleged application of Agnes Cobb  
for enrollment as a citizen by intermarriage of the Choctaw  
Nation.

Guy P. Cobb, Esq., appearing as attorney for the applicant.

Agnes Cobb being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Agnes Cobb.  
Q What is your postoffice address? A Hickory, I. T.  
Q Are you a white woman? A Yes sir.  
Q Are your parents living? A Yes sir. my mother is.  
Q What is your father's name? A John Clary.  
Q And your mother's name? A Lucy Clary.  
Q They were both white people? A Yes sir.  
Q Do you claim to have made application to this Commission  
for enrollment? A I do.  
Q Where do you claim that that application was made? A It  
was made in 1896 and 1898; in the last of 1898 at Atoka; Mr.  
Telle was my attorney.  
Q You applied both in 1896 and 1898? A Yes sir.  
Q And at Atoka both times? A Yes sir.  
Q Was the Dawes Commission in session at that place both  
those times? A Why, I don't know; I suppose it was, though.  
Q Did you apply to the Dawes Commission? A I applied both--  
yes sir.  
Q Did you ever make any personal application at all? A No sir.  
Q You never applied yourself? A No sir.  
Q Was application made for you by anyone? A By Mr. Telle.  
Q Do you know of your own knowledge that he made application  
for you? A I do.  
Q Was you within him when he made it? A No, it was done by  
letter; I had letters that showed that he did make it.  
Q Letters from whom? A Letters from Telle.  
Q All you know about the application is that he told you that  
he made one? A Yes sir.  
Q Since 1898 have you made any effort to secure enrollment?  
A No, I didn't, because he told me when I married, -he said I  
had married out, and for that reason I didn't make any more.  
Q Did Mr. Telle tell you that? A Yes sir.  
Q You were never told anything like that by anyone represent-  
ing the Dawes Commission, were you? A No sir.  
Q What is the name of the Indian husband through whom you  
claim your right to enrollment? A Andrew Roff  
Q When were you married to him? A In 1892.  
Q At that time where were you living? A At Roff, Indian  
Territory.  
Q In the Chickasaw Nation? A Yes sir.  
Q Was he living there at Roff? A Yes sir.  
Q How long did you live with him as his wife? A Three years.  
Q And then did you separate? A Yes sir.  
Q Did he leave you or did you leave him? A He left me.  
Q Were you ever divorced? A Yes sir.



Q Did you secure the divorce or did he? A I did.  
 Q By whom were you married? A By Mr. Smith of Hickory, a Baptist minister.  
 Q You say he was a minister of the gospel? A Yes sir.  
 Q Were you married under United States license? A Yessir.  
 Q Have you that license in your possession? A Yes sir.  
 Q You were not married under a tribal license? A No sir.  
 Q Since your marriage to Andrew Reff, have you married again?  
 A Yes sir.  
 Q When did you marry the second time? A Last of 1897.  
 Q To whom were you married? A Aubra Cobb.  
 Q Is he a white man? A Yes sir.  
 Q Where were you living at the time you were married to Andrew Reff? A I have lived here in the Territory all the time.  
 Q Always lived in the Territory since the time of your marriage to Reff? A Yes sir.  
 Q In what nation? A In the Chickasaw.  
 Q Always in the Chickasaw Nation? A Yes sir.  
 Q Did you have any children by Andrew Reff? A I had two.  
 Q What are the names of those children? A Gladys Reff and Lillian Reff  
 Q Are these children living? A No, they are both dead.  
 Q When did they die? A One died in 1893 and the other one in 1896.  
 Q Had you ever been married prior to your marriage to Andrew Reff? A No sir.  
 Q Had he ever been married prior to his marriage to you?  
 A No sir.  
 Q You know nothing further relative to any application excepting what Mr. Telle told you, that he had made one? A No, that is all.

Examination by Mr. Cobb.

Q State whether or not you had employed Mr. Telle as your attorney? A I did; I had.  
 Q When you say Mr. Telle, you mean Mr. Telle, who lived at Atoka, Indian Territory? A Yes sir.  
 Q In the letters that Mr. Telle wrote you in 1898, did he state particularly that he had made application for you? A He did.  
 Q Are those letters in existence now? A No sir, they are not.  
 Q Did any person other than yourself see and read those letters? A They did.  
 Q Who? A John Reff saw and read them and his wife, and my last husband saw some of them. He saw a few we got after we were married.  
 Q You say that you never took any steps after 1898, and state that was because Mr. Tell told you that, having married a non-citizen you had married out? A Yes sir.  
 Q I will ask you whether or not, it was not accepted by everybody in the Chickasaw Nation as a fact that a second marriage of that kind destroyed citizenship rights? A Yes sir.  
 Q I will ask you if Mr. Telle, your former attorney, is now living? A No, he is dead.  
 Q Do you know when he died? A I think he died about January, 1903.

-----  
 Frances R. Lane upon oath states that as stenographer to

3-Agnes Cobb.

the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause on the 15th day of June, 1905, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*James R. Long*

Subscribed and sworn to before me this June 19, 1905.

*Chas E. Webster*

Notary Public.

C O P Y .

No. 41 193

M A R R I A G E   L I C E N S E .

United States of America.  
The Indian Territory,        ss.  
Third Judicial District.

To any person authorized by law to solemnize Marriage,  
Greeting:

You are hereby commanded to solemnize the Rite and  
Publish the Banns of Matrimony between Andrew V. Roff of Roff,  
in the Indian Territory, aged twenty-one years, and Miss Agnes  
V. Clary of Roff in the Indian Territory, aged eighteen years,  
according to law, and do you officially sign and return this  
license to the parties therein named.

Witness my hand and official seal this 8<sup>th</sup> day of October,  
1892.  
(SEAL).

Marshall L. Bragdon,  
Clerk of the U. S. Court.

By Laura P. Matthews, Deputy.

C E R T I F I C A T E   O F   M A R R I A G E .

United States of America,  
The Indian Territory,        ss.  
Third Judicial District

I, R. W. Smith, a Minister, do hereby certify that on the  
12th day of Oct., A. D., 1892, I did duly and according to law,  
as commanded in the foregoing license, solemnize the rite and  
publish the banns of matrimony between the parties therein  
named.

Witness my hand this 12 day of Oct., A. D., 1892.

My credentials are recorded in the office of the Clerk of  
the United States Court, Indian Territory, 3 Judicial Division,  
Book A, page 72 and 73.

R. W. Smith, a Minister.

C E R T I F I C A T E   O F   R E C O R D   O F   M A R R I A G E .

United States of America  
The Indian Territory        ss.  
Third Judicial District

I, Marshall L. Bragdon, Clerk of the United States Court  
in the Territory and Division aforesaid: Do hereby certify that  
the license for, and certificate of the marriage of Mr. Andrew  
V. Roff, and Miss Agnes V. Clary were filed in my office in said  
Territory and Division the 15<sup>th</sup> day of Oct., A. D., 1892 and  
duly recorded in Book 4 of marriage records, page 193.

Witness my hand and seal of said Court this 5 day of Dec.,  
A. D., 1892.  
(SEAL)

Marshall L. Bragdon, Clerk,  
By, A. D. Matthews, Deputy.

Endorsed:

Filed Oct. 15, 1892.

Marshall L. Bragdon, Clerk.

Department of the Interior, Commission to the Five Civilized  
Tribes. Filed Jul. 24, 1905, Tams Bixby, Chairman.



C O P Y .

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of )  
Aggie Cobb for enrollment as a citizen )  
by intermarriage of the Choctaw Nation.)

AFFIDAVIT OF

ROFF.

Annie Roff being first duly sworn deposes and says that she is the wife of John Roff, and that she is in no way interested in the application of Aggie Cobb for enrollment as a citizen by intermarriage of the Choctaw Nation; that she is 40 years of age and a resident of Roff, Chickasaw Nation, I.T. and that she saw and read certain letters from Mr. A. Telle addressed to Aggie Cobb, and that in such letters Mr. A. Telle stated that he had made application for the enrollment of Aggie Cobb, as her attorney.

(Signed) Annie Roff.

Subscribed and sworn to before me this 27 day of July, 1905.

(Signed) J. C. Little,

Notary Public Southern Dist.  
Indian Territory.

(SEAL).

My Com. expires Jan. 30, 1907.

Department of the Interior,  
Commission to the Five Civilized Tribes  
Filed Aug 10 1905.  
Tams Bixby, Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application  
of Aggie Cobb for enrollment as  
a citizen by intermarriage of the  
Choctaw Nation.

AFFIDAVIT OF JOHN ROFF.

John Roff being first duly sworn deposes and says that he is  
in no way interested in the application of Aggie Cobb for en-  
rollment as a citizen of the Choctaw Nation by intermarriage,  
that he is 52 years of age and a resident of Roff, Chickasaw  
Nation, and a citizen of United States and that he saw and  
read certain letters from Mr. A. Telle addressed to Aggie  
Cobb and that in such letters Mr. A. Telle stated that he had  
made application for the enrollment of Aggie Cobb as her  
attorney.

(Signed) John Roff.

Subscribed and sworn to before me this 27 day of July, 1905.

(Signed) J. C. Little

Notary Public Southern Dist.

Indian Territory.

(SEAL)

My Com. expires Jan 30, 1907.

Endorsed:

Department of the Interior,  
Commission to the Five Civilized Tribes  
Filed Aug. 10 1905  
Tams Bixby, Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of )  
Aggie Cobb for enrollment as a citizen) by )  
intermarriage of the Choctaw Nation. )

AFFIDAVIT OF AUBREY COBB.

Aubrey Cobb being first duly sworn deposes and says that he is the husband of Aggie Cobb and that he is 32 years of age, and a resident of Roff, Chickasaw Nation, I. T. and that he saw and read certain letters from Mr. A. Telle addressed to Aggie Cobb,, and that in such letters Mr. A. Telle stated that he had made application for the enrollment of Aggie Cobb, as her attorney.

(Signed) J. A. Cobb.

Subscribed and sworn to before me this 29 day of July, 1905.

(Signed) J. L. Mentoe,  
Notary Public Southern Dist.  
Indian Territory

(SEAL)

My Com. Expires.

Endorsed;  
Department of the Interior  
Commission to the Five Civilized Tribes  
Filed Aug 10 1905  
Tams Bixby, Chairman.

*CAB*  
Memo.-93.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----0-----  
In the matter of the alleged application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

-----0-----  
It appears from the record herein that on June 16, 1905, Agnes Cobb appeared in person before the Commission to the Five Civilized Tribes and testified relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The applicant admits that she never made any personal application to said Commission for her enrollment, and all that she alleges that she did do in the way of making such application was to employ Mr. A. Telle, (who is now deceased), as her attorney, and to instruct him to make such application, and that he afterwards told her that he had done so. In support of this claim she introduces the affidavits of Annie Roff, John Roff and J. A. Cobb to the effect that they saw and read certain letters from Mr. Telle to the applicant, and that in such letters Mr. Telle stated that he had made application for her enrollment.

I am of opinion that the evidence does not establish that any application was made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that no authority exists at this time for the receipt of any application for her enrollment, and I therefore decline to receive same.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

SEP 22 1905

Memo. 93

Muskogee, Indian Territory, September 29, 1905.

Agnes Cobb,

Hickory, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*Tamm Dixby*

Incl. Memo.-93

Commissioner.

Registered.

Memo. 93

COPY.

Muskogee, Indian Territory, September 29, 1905.

Guy P. Cobb,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*James Dixby*  
Commissioner.

Registered.

Incl. Memo. 93.

MEMO. 93

Muskogee, Indian Territory, September 29, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Ditty*

Incl. Memo. 93

Commissioner.

Muskogee, Indian Territory, September 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Chestaw Nation, including the order of the Commissioner to the Five Civilized Tribes, declining to receive said application, dated September 28, 1905.

Respectfully,

*Tamr Birby*

2 Incl. Memo.-93.

Commissioner.

Through the  
Commissioner of Indian Affairs.



DEPARTMENT OF THE INTERIOR,

WASHINGTON.

G R

LLB

D. C. 50023-1905.  
I T D 13368-1905.

October 30, 1905.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

September 29, 1905, you transmitted the record of an alleged application made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation, including your decision dated September 28, 1905, declining to receive said application, on the ground that the evidence does not establish that any application was made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the act of Congress approved July 1, 1902 (32 Stats, 641), and that no authority exists at this time for the receipt of any application for her enrollment.

October 10, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that in view of the paucity of testimony that the record be returned to the Commissioner for further testimony and for readjudication.

The Department does not concur in the recommendation of the Indian Office, and is of opinion that the evidence fails to establish that any application was made for the enrollment of

Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the act of Congress approved July 1, 1902, (32 Stats, 641) and your decision dated September 28, 1905, declining to receive said application, on the grounds stated, is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

THOS. RYAN,  
First Assistant Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land.  
78761-1905.

WASHINGTON. October 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1905, transmitting the record of an alleged application for enrollment as a citizen by intermarriage of the Choctaw Nation by Agnes Cobb.

September 28, 1905, the Commissioner decided adversely to the applicant.

The record does not show whether any application has ever been made by, or on behalf of the applicant herein, prior to her appearance before the Commissioner on June 15, 1905; it does not show whether the husband, Andrew Roff, through whom she claims rights as an intermarried Choctaw, was a Choctaw, or an Indian of any tribe or Nation; it does not show by any evidence, other than her own testimony, that the applicant has ever been married to any person, Indian or white, in fact there does not appear to be sufficient data upon which the application can be approved or disapproved.

In view of the paucity of testimony I recommend that the record be returned to the Commissioner, that he be requested

-2-

to state whether any communication, by letter, or otherwise, relative to an application for enrollment of this applicant has been received by the Commission to the Five Civilized Tribes, that further testimony may be obtained, and that the case be readjudicated.

Very respectfully,

M M M (W)

C. F. Larrabee,  
Acting Commissioner.

Memo. 93

Muskogee, Indian Territory, November 9, 1905.

Agnes Cobb,

Hickory, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of October 30, 1905, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Memo. 93

Muskogeo, Indian Territory, November 9, 1905.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of October 30, 1905, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

1  
Memo. 93

Muskogee, Indian Territory, November 9, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of October 30, 1905, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

COPY

Muskegee, Indian Territory, June 21, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

September 29, 1905, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application of Agnes Cobb for enrollment as an intermarried citizen of the Choctaw Nation and on the same day the record in this case was transmitted to the Secretary of the Interior and this action approved by the Department October 30, 1905.

I now have the honor to transmit herewith for Departmental consideration motion of Guy P. Cobb, attorney for applicant, for re-opening and reconsideration of the case under Section 1 of the act of Congress approved April 26, 1906.

Respectfully,

SIGNED *Tams Birby*

Mem 93.

Commissioner.

Through the Commissioner  
of Indian Affairs.



THE UNIVERSITY OF CHICAGO

**JUN 18 1986**

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application  
for the enrollment of Agnes Cobb  
as a citizen by intermarriage of  
the Choctaw Nation.

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MOTION TO RE-OPEN  
AND  
RE-CONSIDER

Comes now Agnes Cobb by her attorney Guy P. Cobb, and  
moves that the above entitled case be ~~re-opened~~ and the decision of  
the Commissioner be reconsidered, and that she be enrolled as  
an intermarried citizen of the Choctaw Nation under the provi-  
sions of Section one, of the Act of Congress approved April 26th.  
1906, upon the following grounds.

First, application for enrollment in this case was made prior to  
December 1st. 1905, and the records in charge of the Commissioner  
to the Five Civilized Tribes show application to have been made,  
and the case under consideration is clearly within the general pro-  
visions of the Section above referred to.

Second, that the applicant was married in accordance with  
the laws and customs of the Choctaw Nation to a recognized  
citizen of said Nation, and that such marriage was equivalent to  
her name appearing on the Tribal Rolls, that the application in  
this case was made prior to December 1st. 1905, and was not  
allowed solely because not made within the time prescribed by law,  
and that the case now under consideration comes within the final  
proviso of the Section above referred to.

Guy P. Cobb.

Attorney for Applicant.

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 13368-1905

December 5, 1906

17120-1906.

D.C. 53861-1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 21, 1906, you transmitted a motion for a rehearing in the matter of the application of Agnes Cobb for her enrollment as an intermarried citizen of the Choctaw Nation, wherein the Department on October 30, 1905 (I.T.D. 13368), affirmed your decision of September 28, 1905, declining to receive said application, on the ground that the evidence failed to establish that any application was made for her enrollment within the time limited by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 441).

Inasmuch as the record shows that application was made June 15, 1905, and prior to December 1, 1905, for her enrollment as an intermarried citizen of the Choctaw Nation, and in view of the provisions of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137), said motion for rehearing is hereby granted and the record in said case is remanded to you for further hearing and adjudication in accordance with the approved

-2-

opinions of the Assistant Attorney-General for this Department dated August 10, 1906, in the cases of Elsie J. Oakes (I.T.D. 14010) and Birdie Rosenthal (I.T.D. 14012) for enrollment as intermarried citizens of the Choctaw Nation.

You will advise applicant's attorney of this action.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

2 inclosures.

Memo. 93.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on June 15, 1905, Agnes Cobb appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

On September 28, 1905, the Commissioner to the Five Civilized Tribes rendered his decision therein, holding that the evidence failed to establish that any application was made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and no authority existed at said time for the receipt of any application for her enrollment, and therefore, declined to receive the same. Said decision was affirmed by the Department on October 30, 1905 (I.T.D. 13366-1905).

The Department on December 5, 1906 (I.T.D. 13368-1905, 17120-1906), in view of Section One of the Act of Congress approved April 26, 1906, remanded said case for further hearing and readjudication.

I am of the opinion that inasmuch as the record herein shows that application was made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the same should now be determined upon its merits, and it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

DEC 29 1906

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Memo. 93.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that application was duly made for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that on October 12, 1892, the applicant, Agnes Cobb, was lawfully married to Andrew V. Roff, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 70 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said nation for a period of about three years, when they separated and were subsequently divorced; and that said applicant was a resident in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that Agnes Cobb should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN -3 1907

COPY

Muskogee, Indian Territory, January 3, 1907.

Agnes Cobb,

Hickory, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 3, 1907, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Agnes Cobb will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*Fame Kirby*

Commissioner.

Registered.

Incl. Memo. 93.

COPY.

Muskogee, Indian Territory, January 3, 1907.

Guy P. Cobb,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 3, 1907, rendered his decision granting the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Agnes Cobb will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Pixby*

Commissioner.

Registered,



Mem. 93.

Muskogee, Indian Territory, January 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 3, 1907, granting the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Agnes Cobb will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior of the Interior for his approval.

Respectfully,

SIGNED *Tamie C. [illegible]*

Commissioner.

Registered.

Incl. Memo. 93.

COPY.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

September 28, 1905, the Commissioner to the Five Civilized Tribes entered an order declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation, and on the same date the record in this case was forwarded the Department. October 30, 1905 (I.T.D. 13368-1905), this action was approved by the Secretary of the Interior.

June 21, 1906, a motion filed by Guy P. Cobb, attorney at Law, Ardmore, Indian Territory, for rehearing and reconsideration of this case, was forwarded the Department.

The Department on December 5, 1906 (I.T.D. 13368-1905; 17120-1906), in view of Section one of the Act of Congress approved April 26, 1906, remanded said case for further hearing and readjudication.

I now have the honor to transmit herewith the original record in this case together with my decision of January 3, 1907, granting the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation.

Secretary 2.

The applicant, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified of this action and the attorneys for the nations were advised that they would be allowed fifteen days from the date of notice within which to file protest to her enrollment, and that if at the expiration of said time no protest has been filed, the name of Agnes Cobb would be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED *Jams Bixby*  
Commissioner.

Memo. 93.

Through the  
Commissioner of Indian Affairs.

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D.C. 12957-1907.  
I.T.D. 4898-1907.

O.K.

February 27, 1907.

LRS

Direct .

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 23, 1907 (Land 3850), your decision of January 3, 1907, admitting Agnes Cobb to enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

You will advise applicant and her attorney of this action.

The record has this day been returned to the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inc. and 2 inc.  
for Ind. Of.

AWC  
2-28-07.

Refo~~x~~in reply to the following:

Land.  
3859-1907 -

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record and decision in the matter of the enrollment of Agnes Cobb as a citizen of the Choctaw Nation.

It appears from the record herein that on September 26, 1905, the Commissioner to the Five Civilized Tribes entered an order declining to receive the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation, which order was approved by the Department on October 30, 1905 (I.T.D. 33368-1905). There was filed with the Commissioner on June 21, 1906, by Guy P. Cobb, attorney at law, of Ardmore, I.T., a motion for re-hearing and reconsideration of this case, and on December 5, 1906 (I.T.D. 13368-1905, 17120-1906), in view of Section 1 of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Department granted the re-hearing and remanded the case to the Commissioner for further hearing and re-adjudication.

It appears from the record herein that the applicant, Agnes Cobb, was lawfully married to Andrew V. Reff on October 12, 1892; that said Reff was a recognized and enrolled citizen by blood

of the Choctaw Nation, and his name appears opposite No. 70 on the approved final roll of citizens by blood of the Choctaw Nation; that at the time of the marriage, both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said Nation for a period of about three years, when they separated and were subsequently divorced; that the applicant herein was a resident in good faith of the Indian Territory on June 28, 1898.

Under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat.L., 495), and July 1, 1902 (32 Stat.L., 641), the Office is of the opinion that the applicant is entitled to enrollment as an intermarried citizen of the Choctaw Nation, and recommends that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, granting the application, is correct, and it is recommended that it be affirmed.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

KWE--SD

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony of Agnes Cobb of June 15, 1905, in the matter  
of her alleged application for enrollment as an intermarried citizen  
of the Choctaw Nation.

Guy P Cobb

Muskogee, Indian Territory,  
June 21, 1905.

Mem 93

Muskogee, Indian Territory, July 25, 1905.

Guy P. Cobb,

Attorney at Law.

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 18, 1905, enclosing marriage license and certificate of Andrew B. Roff and Agnes B. Clary which you offer in support of the alleged application of Agnes Cobb for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.



Mem 93

Muskogee, Indian Territory, August 11, 1906.

Guy P. Cobb,

Attorney at Law.

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 5, 1906, inclosing affidavits of John Roff, J. A. Cobb and Annie Roff which you offer in support of the alleged application of Agnes Cobb for enrollment as an inter-married citizen of the Choctaw Nation and the same have been filed with the record in this case.

Respectfully,

Acting Commissioner.

Mem 93

Muskogee, Indian Territory, June 21, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, 1906, inclosing motion to reopen and reconsider an application for the enrollment of Agnes Cobb as an intermarried citizen of the Choctaw Nation and the same has this day been transmitted to the Secretary of the Interior for consideration in this case.

Respectfully,

Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

December 5, 1906

I.T.D. 13368-1905

17120-1906.

P.C. 53861-1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 21, 1906, you transmitted a motion for a rehearing in the matter of the application of Agnes Cobb for her enrollment as an intermarried citizen of the Choctaw Nation, wherein the Department on October 30, 1905 (I.T.D. 13368), affirmed your decision of September 28, 1905, declining to receive said application, on the ground that the evidence failed to establish that any application was made for her enrollment within the time limited by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641).

Inasmuch as the record shows that application was made June 15, 1905, and prior to December 1, 1905, for her enrollment as an intermarried citizen of the Choctaw Nation, and in view of the provisions of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137), said motion for rehearing is hereby granted and the record in said case is remanded to you for further hearing and adjudication in accordance with the approved

-2-

opinions of the Assistant Attorney-General for this Department dated August 10, 1906, in the cases of Elsie J. Oakes (I.T.D. 14010) and Birdie Rosenthal (I.T.D. 14012) for enrollment as intermarried citizens of the Choctaw Nation.

You will advise applicant's attorney of this action.

Respectfully,

Thos. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

2 inclosures.

Memo. 92.<sup>3</sup>

Muskogee, Indian Territory, December 17, 1906.

Guy P. Cobb,  
Attorney at law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Department on December 5, 1906, granted your motion to reopen and reconsider the application for the enrollment of Agnes Cobb as a citizen by intermarriage of the Choctaw Nation, and in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), remanded the record in said case for further hearing and adjudication in accordance with the approved opinions of the Assistant Attorney General for the Department of the Interior dated August 10, 1906, in the cases of Elsie J. Oakes and Birdie Rosenthal for enrollment as intermarried citizens of the Choctaw Nation.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

Commissioner.

LEA 17-1.

7-6054

Muskogee, Indian Territory, January 16, 1907.

Agnes Cobb,

Hickory, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, you are requested to advise this office at once your age on September 25, 1902.

This information should be forwarded so as to reach this office not later than January 20, 1907.

Respectfully,

Commissioner.

7-6054

Muskogee, Indian Territory, January 17, 1907.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of Choctaw roll card No. 6054, Agnes Cobb, and you are directed to make duplicate Choctaw roll card of same number in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

EB 2-17.

Commissioner.

7-6054

Muskogee, Indian Territory, January 17, 1907.

Chief Clerk, .

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of Choctaw roll card No. 6054, Agnes Cobb, and you are directed to make duplicate Choctaw roll card of same number in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

EB 3-17.

Commissioner.



7-6054

Muskogee, Indian Territory, January 24, 1907.

Agnes Cobb,

Hickory, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date giving your age on September 25, 1902 and the same has been filed in the matter of your enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw 6055

Julia A. Newman

Trans from Memo #225 12-17-06

6055

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment as a  
citizen by intermarriage of the Choctaw Nation of . . . . .

JULIA A. NEWMAN.....Memo. 225.

Memo.---225

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, June 12, 1906.

-----  
In the matter of the alleged application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

There is filed with the record in this case copy of notice to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, that on Tuesday, June 12, 1906, at ten o'clock A. M., the applicant would appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, and give testimony and evidence tending to establish her right to enrollment as a citizen by intermarriage of the Choctaw Nation.

Appearances: Wirt Franklin, of Apple & Franklin, attorneys at law, Muskogee, Indian Territory, appears on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

-----  
Julia A. Newman, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Julia A. Newman is my name.  
Q How old are you? A I am twenty-seven.  
Q What is your post office? A Keota, I. T.  
Q Do you claim to have made application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.  
Q How was that application made? A Why, it was made by a letter to the Dawes Commission.  
Q When was it made? A In 1897.  
Q Who wrote the letter? A Dr. M. W. Newman.  
Q Who was it addressed to? A Well, I don't remember, but it was addressed to the Commissioner of the Dawes Commission.  
Q Who is M. W. Newman? A He is my husband, postmaster of Iron Bridge.  
Q Is that the only written application ever made for your enrollment as a citizen by intermarriage of the Choctaw Nation? A No sir, attorney Mitchell of McCurtain made an application last year some time.  
Q Did you see his letter? A Yes sir.

- Q Is that all the written evidence you have or know of relative to an application having been made for your enrollment as a citizen of the Choctaw Nation? A Why, I have evidence of the first one and the second one; those are the only applications we have made.

There is on file with this office bearing the filing mark of August 4, 1897, a petition of Julia A. Newman, praying that she be enrolled as citizen of the Choctaw Nation, claiming her right thereto by virtue of her marriage to Cornelius Brandy, a citizen by blood of the Choctaw Nation. A copy of said record will be filed with and made a part of the record in this case.

There is also on file with this office letter of C. F. Mitchell of McCurtain, I. T., bearing the date of October 28, 1905, and addressed to the Department of the Interior at Washington, D. C., and by the Department referred to this office for consideration and appropriate action, wherein he asks to be advised relative to the rights of Jewell Newman for enrollment as a citizen by intermarriage of the Choctaw Nation. A copy of this letter will be filed herewith and made a part of the record in this case.

- Q How long have you lived in the Indian Territory? A Why, I guess it has been about fifteen years.
- Q Where did you come from? A Missouri.
- Q Through whom do you claim your right to enrollment as a citizen by intermarriage of the Choctaw Nation? A Cornelius Brandy.
- Q What was he? A Choctaw Indian.
- Q By blood, or how? A By blood.
- Q Is he living at this time? A No sir.
- Q When did he die? A Why, he died about a year ago.
- Q When were you married to Cornelius Brandy? A In 1892.
- Q What month and day? A October 30th.
- Q How long had you lived here at the time of your marriage to him; lived in the Choctaw Nation before you married him? A About two or three years, I guess.
- Q How long have you lived here now? A Well, about fifteen years I guess, or twenty.
- Q How long did you live in the Choctaw Nation before you married Cornelius Brandy? A Well, a year or two; just a short time.
- Q Where was Cornelius Brandy living at that time? A Living at Jerry Folsom's residence.
- Q Near what place? A Panther post office then.
- Q Choctaw Nation? A Yes sir.
- Q How long did you live with him? A Little over a year.
- Q Then did you separate from him? A Yes sir.
- Q Were you divorced? A Yes sir.
- Q Who got the divorce? A Cornelius.
- Q He got it? A Yes sir.
- Q Had you been married before you married Cornelius Brandy? A No sir.
- Q Had he been to your knowledge? A No sir, he hadn't been married before.
- Q How old was Cornelius Brandy when you married him? A Twenty-one, I believe.
- Q Where did you live with Cornelius Brandy during the time you were married to him? A At Jerry Folsom's residence.
- Q In the Choctaw Nation? A Yes sir, the man that raised him.

- Q When did he secure his divorce from you? A Why, I don't remember the date just when; shortly after we were parted though.
- Q Did you remarry after you left Brandy? A Yes sir.
- Q To whom were you married? A M. W. Newman.
- Q What is he? A Postmaster; he is a citizen of the United States.
- Q White man? A Yes sir.
- Q Where have you lived since you married Cornelius Brandy? A In the Territory, Choctaw Nation?
- Q All the time? A Yes sir.
- Q Have you evidence of your marriage to Cornelius Brandy? A Yes sir, we taken the Judge's evidence when we sent up the application.
- Q Who married you? A Solomon Gilberry.
- Q What was he? A He was Judge of Sans Bois County.

By Mr. Franklin:

- Q Did you apply for anybody else at the time of this petition?
- A Yes sir.
- Q Who else? A My first baby.
- Q What is his name? A Joe C. Newman.
- Q Mrs. Newman, what is your mother's name? A E. J. Ballard.
- Q Is she living? A Yes sir.
- Q What is your father's name? A George W. Ballard.
- Q Is he living? A Yes sir.
- Q Are both of your parents white people? A Yes sir.
- Q Citizens of the United States? A Yes sir.

(Witness excused.)

-----

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 12th day of June, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Subscribed and sworn to before me this 12th day of June, 1906.

Lenora B. Ashton  
*Walter W. Chappell*  
Notary Public



Chas. F. Mitchell,  
Attorney at Law.

COPY.

McCurtain Ind. Ter. Nov. 28, 1905.

Department Of The Interior,  
Washington D. C.

Dear Sir:-

I herewith enclose you statement of Jewell Newman a Citizen by marriage of the Choctaw Nation, who desires to be enrolled as such.

You will observe in her testimony that she states and admits that she never made application for enrollment and gives her reason why. It occurs to me that there should be some relief for this party and I address you in her behalf asking to be advised what can be done in her behalf.

This party relied upon the advise given out by the Commission that the government placed in the field to enroll and advise parties as to their status relative to their rights to secure Citizenship, and I should think that equity would demand some relief to those that accepted the advise given by the Commission. You are aware that the Commission held that parties situated as this applicant, had forfeited their rights to Citizenship. This was over ruled, but too late for this party to receive any relief.

Kindly advise me at once in this matter.

Very Respectfully,

Charles F. Mitchell

P.S.

I am aware of the fact that the Commissioner To The Five Civil-

ized Tribes, at Muskogee, I. T., have no authority to enroll these parties or to consider their cases, therefore I write you to know what the secretary of the Interior holds in such cases or will hold in them.

M

Indorsed:

Department of the Interior,  
Received Dec. 2, 1905.  
No. 11381.  
Indian Territory Division.

Department of the Interior.  
December 8, 1905.  
Respectfully referred to the  
Commissioner to the Five Civilized Tribes for consideration and appropriate action.

Thos. Ryan,  
First Assistant Secretary.  
L.R.S.

Commissioner to Five Tribes.  
No. 55167-1905.  
Received Dec. 11, 1905.



Iron Bridge I. T.  
July 29<sup>th</sup>

I W H Williams Assistant P. M. at  
the Iron Bridge Post Office do hereby Certify  
that Mrs Julia A Neuman has this day  
sent by Registered Mail from this office  
Copy of her Application for Citizenship  
Oath Cordance Thron, to Hon Green M<sup>c</sup>Courtain  
at San Francisco I. T.

W. H. Williams  
act P. M.

United States of America

Choctaw Nation I.T.

Sans Bois Co

Cornelius Brandy appeared before me a Notary

Public in and for the Central Judicial District of the Ex. Ter. I. D. Cole who after being duly sworn depose and depose that he was present at the marriage of Cornelius Brandy to Julia A. Ballard. The said Cornelius Brandy being a Choctaw by blood and Julia A. Ballard a white girl. The Marriage Ceremony was performed by Judge Solomon McGillivray who was County Judge of Sans Bois Co. at that time and duly authorized to perform said Marriage Ceremony. Said Marriage was at the house of Jerry Tolson sometime during the summer of 1892.

I am a Citizen of the U. S. My age is 52 years. Signed this 23<sup>rd</sup> day of July 1897. My Post Office is Panther I.T.

J. D. Cole

Sworn to and subscribed before me

this 23<sup>rd</sup> day of July 1897.

M. W. Stearns

Notary Public

Julia A. Neuman  
vs  
Choctaw Nation,

AUG 4 1897

St. Wm. Harvey.  
CLERK

United States of America

Chester Nation  
Sams Bain Co

Personally appeared  
before me a Notary

Public in and for the Central Judicial District  
of the Ind Territory Mary Cole who after being  
duly sworn sayeth and deposes that she  
was present at the Marriage of Cornelius Brandy  
to Julia A. Ballard. The said Cornelius Brandy  
being a Chectaw by Blood and Julia A Ballard  
a White Girl. The Marriage Ceremony was  
performed by Judge Solomon M. Billberry who  
was County Judge of Sams Bain Co at that  
time and duly authorized to perform said  
Marriage Ceremony. Said Marriage was at  
the House of Jerry Tolson some time during  
the Summer of 1892. I am a Citizen of  
the U. S. My age 23 years.

Signed This 23<sup>rd</sup> day of July 1897  
My Post office is Panther 35 Mary Cole

Sworn to and Subscribed before me this  
the 23<sup>rd</sup> day of July 1897

M. W. Kauffman  
Notary Public

United States of America

Choctaw Station } from Petitioner Julia A. Newman  
 Sans Bois Co } would respectfully ask that  
 they should be enrolled as a citizen of the  
 Choctaw Station. My maiden name was Julia  
 S. Ballard on the 30<sup>th</sup> day of Aug 1842 I  
 was married to Cornelius Boarsley a citizen of the  
 Choctaw Station by Brevet the Marriage Ceremony  
 was performed by Judge Solomon McSweeney the  
 County Judge of Sans Bois Co at that time.

I was separated from my <sup>first</sup> husband in the year  
 1846 for want of support, <sup>after being divorced</sup> was married to my  
 present husband in Nov 1846 whose name is  
 M. W. Newman a citizen of the U. S. I have  
 no children born to me by my first husband.  
 My age is 19 years. My Post Office is Iron Bridge P. O.  
 Signed this 20<sup>th</sup> day of July 1847. I have one child  
 born to me by my 2<sup>d</sup> marriage. Julia A. Newman

Personally appeared before me a Notary Public  
 in and for the Central District Ind. Jay Julia A. Newman  
 and after being sworn, sayeth that the above  
 statement are true to the best of her knowledge.  
 This 20<sup>th</sup> day of July 1847.

M. W. Newman  
 Notary Public

United States of America

Choctaw Station Personally appeared before  
 me John B. E. McMillan a Notary Public  
 in and for the Central Judicial District and by  
 Solomon M. Gilliam a citizen of the Choctaw Station  
 in blood and after being duly sworn sayeth  
 that during the year 1892 he was the duly elected  
 and commissioned County Judge in and for the  
 County of Sans Bois Choctaw Station & that  
 on the 30<sup>th</sup> day of Aug 1892 whilst duly  
 commissioned and acting as such County Judge  
 he solemnized the the rites of matrimony between  
 Cornelius Brumley and Julia A. Ballard said  
 Brumley being a citizen of the Choctaw Station  
 in blood and that said marriage was legal  
 and lawful under the Law of the Choctaw Station  
 Signed and Sealed this 20<sup>th</sup> day of July 1897  
 Solomon M. Gilliam

Witness to and Subscribed before me  
 this 20<sup>th</sup> day of July 1897

M. W. McMillan  
 Notary Public

Iron Bridge 9.7

July 28<sup>th</sup> 97

The Hon James Commis

Dear Sir

I herewith Enclose you my Application  
and Evidence for Enrolment as an  
Intermarried Citizen of the Choctaw  
Nation. If any further Proof is Necessary  
please advise me at once. I have one  
Child Born to me by my Present Husband  
to if he is entitled to Citizenship under  
the Decision of the Courts I want him  
enrolled also. His Name is Geo. C. Newman  
& will be 2 years old in Sept Next.  
I have sent by registered mail, Copy  
of my Application and Evidence, to Hon  
Green McCurtain at Sans Bois P.S.  
to have with an enclosure Certificate of  
Act J. M.

Respectfully  
Julia A. Newman

PS The Commission will understand  
that where a Choctaw man marries a  
White Woman no Licenses are necessary,

By letter carrier  
service of cities.  
For registered mail delivered through  
a U. S. post office, the sender receives  
a receipt from the postmaster, a return  
receipt signed by the addressee, or a  
receipt signed by the addressee's  
agent. For registered mail delivered in a  
foreign country the sender receives with-  
out extra charge a form of return receipt  
if the words "Return Receipt Requested"  
appear on the envelope or wrapper.

Letter No. E179 P. O., Muskogee, Ind. T.  
Received for registration 6-2-1906 from Apple & Franklyn  
addressed to Mansfield H. Murray & Company  
St. M. Alister, Ind.  
Postmaster, per V. B.  
1 check postage prepaid.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of  
Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

-----000-----

TO MANSFIELD, McMURRAY & CORNISH

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

You are hereby notified that on Tuesday June 12, 1906,  
at ten o'clock, A. M., or on that date at the convenience of the  
Commissioner to the Five Civilized Tribes, we shall introduce before  
said commissioner at his general office in Muskogee, Indian Terri-  
tory, testimony and evidence tending to establish the right to en-  
rollment of the applicant in the above entitled case.

You will take due notice of the time and place of such  
hearing so that you may, if you so desire, be present at said hear-  
ing.

*Alphe + Franklin*  
*Attorneys for the Applicant*

Muskogee, Indian Territory

June 2, 1906.

Indian Territory )  
Western District.) ss.

I, Will Franklin, one of the attorneys for the applicant,  
do hereby state that the above and foregoing is a true and correct  
copy of a notice forwarded by registered mail on June 2, 1906, to  
Mansfield, McMurray & Cornish, South McAlester, Indian Territory,  
and I attach hereto post master's receipt for same.

Subscribed and sworn to before me this 2nd day of June, 1906.

*Will Franklin*  
Notary Public.

Memo. 225.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the alleged application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on June 12, 1906, Julia A. Newman appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the records in the possession of this office that any formal application has ever been made for the enrollment of said applicant as a citizen by intermarriage of the Choctaw Nation. It appears, however, that on August 4, 1897, there was filed with the Commission to the Five Civilized Tribes a petition of the applicant, praying that she be enrolled as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Cornelius Brandy, a citizen by blood of the Choctaw Nation.

I am of the opinion that the petition above referred to should be considered as a sufficient application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation, made within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be considered upon its merits, and it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

December 1-1906.

Memo. 225.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of  
Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137)..

It further appears from the record herein that on October 30, 1892, the applicant was lawfully married to Cornelius Brandy, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 7007 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife for a period of about one year, when they separated and were subsequently divorced; and that said applicant was a resident in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that Julia A. Newman should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

DEC 17 1906

Muskogee, Indian Territory, December 17, 1906.

Julia Newman,

Keota, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 17, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*Tamm Birby*

Commissioner.

Registered.

Incl. Memo.-225.

COO

Muskogee, Indian Territory, December 17, 1906

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Iams Birby*

Commissioner.

Registered.

COPY.

Muskogee, Indian Territory, December 17, 1906

J. Blair Shoenfelt, & Son,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tamm D. Dyer*

Commissioner.

Registered.

DOF

Muskogee, Indian Territory, December 17, 1906.

C. T. Mitchell,

Attorney at Law,

McCurtain, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: *James D. ...*

Commissioner.

Registered.



Memo.-225

COPY.

Muskogee, Indian Territory, December 17, 1906.

Mansfield, McMurray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 17, 1906, granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Signed *Tame Bixby*

Commissioner.

Registered.

Incl. Memo.-225.



Muskogee, Indian Territory, July 21, 1906.

Julia A. Newman,

C/o Gilmer Hotel,

Arkmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 10, 1906, in which you ask to be permitted to institute contest at the Chickasaw Land Office.

In reply you are advised that no action has yet been taken upon your alleged application for enrollment as an intermarried citizen of the Choctaw Nation, and until the question of whether or not application was made for your enrollment within the time provided by law has been decided no application to institute contest in your behalf could be received.

Respectfully,

Commissioner.

Mem 225

Muskogee, Indian Territory, September 12, 1906.

M. W. Newman,

Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 6, 1906, asking if Julia Newman has been approved as an intermarried citizen.

In reply to your letter you are advised that the question of whether or not application was made for the enrollment of Julia Newman as an intermarried citizen of the Choctaw Nation within the time provided by law is now receiving consideration and you will be notified of such action as is taken in this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Julia Newman,

Keota, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 19, 1906, in which you ask if you have been approved as an intermarried citizen and state that your attorney Coyle advises you you will not be approved unless you give him your surplus land.

In reply to your letter you are advised that no decision has yet been reached upon the question of whether or not application was made for your enrollment as an intermarried citizen of the Choctaw Nation within the time provided by law, but you will be notified of such action as is taken therein.

Relative to that portion of your letter in which you state that your attorney advises you you will not be approved unless you give him your surplus land, you are informed that as the matter of employment of attorneys by applicants is one that is entirely within their own discretion it is impracticable for this office to give you any advice upon this subject.

You are informed, however, that this office does not require that applicants shall be represented by attorneys.

The correspondence inclosed with your letter is herewith returned.

Respectfully,

EB 1/26

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

J. Blair Shoenfelt & Son,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 20, 1906, stating that you have been retained to assist in the matter of the application of Julia Newman for enrollment as an intermarried citizen of the Choctaw Nation and you ask to be advised what steps are taken in reference to this case.

In reply to your letter you are advised that no decision has yet been reached upon the question of whether or not application was made for the enrollment of Julia Newman as an intermarried citizen of the Choctaw Nation within the time provided by law, but you will be notified of such action as is taken in this case.

Respectfully,

Commissioner.

COPY

Muskogee, Indian Territory, December 17, 1906.

Julia Newman,

Chocta, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 17, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

Incl. Memo.-225.

COPY.

Muskogee, Indian Territory, December 17, 1906.

C. T. Mitchell,  
Attorney at Law,  
McCurtain, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

COPY

Muskogee, Indian Territory, December 17, 1906

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

JAMES BIXBY  
Commissioner.

~~Registered.~~

COPY.

Muskogee, Indian Territory, December 17, 1906

J. Blair Shoenfelt, & Son,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 17, 1906, rendered his decision granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*James H. Hodge*  
Commissioner.

Registered.



COPY.

Muskogee, Indian Territory, December 17, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 17, 1906, granting the application for the enrollment of Julia A. Newman as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Julia A. Newman will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*Wm. B. Bland*  
Commissioner.

Registered.

Incl. Memo.-225.

McCurtain Ind. Ter. Nov. 28, 1905.

Department Of The Interior,  
Washington D. C.

Dear Sir:-

I herewith enclose your statement of Jewell Newman a citizen marriage of the Choctaw Nation, who desires to be enrolled as such.

You will observe in her testimony that she states and admits that she never made application for enrollment and gives her reason why. It occurs to me that there should be some relief for this party and I address you in her behalf asking to be advised what can be done in her behalf.

This party relied upon the advise given out by the Commission that the government placed in the field to enroll and advise parties as to their status relative to their rights to secure Citizenship, and I should think that equity would demand some relief to those that accepted the advise given by the Commission. You are aware that the Commission held that parties situated as this applicant, had forfeited their rights to Citizenship. This was over ruled, but too late for this party to receive any relief.

Kindly advise me at once in this matter.

Very Respectfully,

Chas. T. Mitchell.

P.S.

I am aware of the fact that the Commissioner To The Five Civilized Tribes, at Muskogee, I.T., have no authority to enroll these parties or to consider their cases, therefore I write you to know what the secretary of the Interior holds in such cases or will hold in them.

Department of the Interior,  
Commissioner to the Five Civilized Tribes

Received of the Commissioner to the Five Civilized Tribes  
one copy of the testimony of Julia Newman of June 12, 1906, in the  
matter of her alleged application for enrollment as an intermarried  
citizen of the Choctaw Nation.

*Apple T. Franklin*

Muskogee, Indian Territory,  
June 20, 1906.

7  
7-6060 7-2198  
7-3874 7-1511  
7-5712 7-5729  
7-5831 7-441  
7-6054

Wiskegee, Indian Territory, February 22, 1907.

Guy P. Cobb,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 14, 1907, asking if the names of Hattie Boydston, Daisy Mossley, Ella Standley, Aggie Cobb, Della Maxey, Ruthie Jones, Elsie J. Oakes, Clara S. Campbell and James S. Mathews have been placed upon a schedule of citizens of the Choctaw Nation to be forwarded to the Secretary of the Interior.

In reply to your letter you are advised that on February 12, 1907, the Secretary of the Interior approved the enrollment of Hattie Boydston, Daisy Mossley, Ella Standley, Della Adams, Elsie J. Oakes and Clara S. Campbell as citizens by intermarriage of the Choctaw Nation.

You are further advised that the names of Agnes Cobb and Ruthie Jones have been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been forwarded to the Secretary of the Interior, and you will be notified when their enrollment is approved by him.

G. P. C. 98

G. P. C. You are further informed that on April 23, 1906, the Commissioner to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of James S. Mathews as an intermarried citizen of the Choctaw Nation and on the same date the record in this case was forwarded to the Department, where it is still pending.

Respectfully,

Commissioner.

7-6055

Muskegee, Indian Territory, April 6, 1907.

Mrs. Julia A. Newman,  
Keystone, Oklahoma.

Dear Madam:

Your letter without date addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask to be advised as soon as your enrollment as an intermarried citizen has been approved and when you may file.

In reply to your letter you are advised that on February 12, 1907, the Secretary of the Interior approved the enrollment of Julia A. Newman as an intermarried citizen of the Choctaw Nation and selection of allotment may now made by you in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

7-6055

Muskogee, Indian Territory, June 7, 1907.

Charles von Weise,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Referring to your letter of May 31, 1907, requesting a copy of the approved opinion of the Assistant Attorney General in the case of Manervia F. Swadley et al., you are advised that a copy of the opinion of the Assistant Attorney General of February 11, 1907, in the Choctaw enrollment case of Manervia F. Swadley is not found with the records of this office, but a copy thereof has been requested from the Department and upon receipt thereof the same will be forwarded you.

Respectfully,

Commissioner.

Choctaw 6056

John T. O'Quinn

Jan. 10, 1907 Granted

Jan. 19, 1907 Record forwarded Dept

March 4, 1907 decision of Commissioner  
reversed by Dept and schedules  
containing names of applicants  
disapproved

March 1, 1909 Dept requests report

April 22, 1909 Report to Dept, etc.

6-16-09 Parties notified

Trans from 7-R-217 1-26-07

6056



7-R-725

685

73

205

217

225

475

23-971

974

975

976

977

978

979

1001

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment  
of FRANKLIN M. HARTON, et al, as citizens of the Choctaw Nation.

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D E C I S I O N .

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It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; (that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused."

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children John F. Harten, Rachel S. Harten, James W. Harten, Mary M. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

3.

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Hartton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide-Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 13113-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation, At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John n. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maultsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton



James William Harton,  
 John F. Harton  
 Susie Harton,  
 Narcissa Ella Thompson, now percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn, and  
 Nannie Vaughn,

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States; and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531

Charles S. Thompson (as Charles Thompson)	Opposite No.	12532
John M. Thompson (as Jno. M. Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maultsy Loley (as Maulsey Lawley)		8348
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Percival (as Marcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Taylor Percival (as Taylor Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September, 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under the act of the Choctaw Council approved September 16, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes, dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5444-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census Roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.



It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which is stated that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906 (I.T.D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John N. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Roby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

Tams Bixby.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

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7-R-475

25- 976

COPY.

Muskogee, Indian Territory, January 10, 1907.

Franklin M. Horton,

Perum, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation, dismissing the application for the enrollment of Narcissa S. Thompson as a citizen, and granting the application for the enrollment of Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton and George Pope Harton as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Registered.

Incl. 7-R)725 et al.

23- 975  
7-R-473

COPY.

Muskogee, Indian Territory, January 10, 1907.

Rachel Hunt,

Perum, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision of the Commissioner to the Five Civilized Tribes, granting the application for the enrollment of Rachel Harton and Viola Maude Hunt, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

COPY.

Muskogee, Indian Territory, January 10, 1907.

Charles B. Darken,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for your enrollment as a citizen by intermarriage, the application for the enrollment of Sarah Jane Darken, Myrtle M. Darken, and Gertrude M. Darken as citizens by blood and granting the application for the enrollment of John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Maultsy J. Lawley, Walter Welch and Willie May Lawley as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Iamc Bixby*

Commissioner.

7-R-475

23 -974

COPY.

Muskogee, Indian Territory, January 10, 1907.

John Harton,

Perum, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for your enrollment and the enrollment of your child, Bertha May Harton, as citizens by blood of the Cheataw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jane Bixby*

Commissioner.

Registered.



23-978  
7-R-203

COPY

Muskogee, Indian Territory, January 10, 1907.

Maud Reville,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner of the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, Clara May Reville, and Thomas Pembroke Reville as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED | *Tame Bixby*

Commissioner.

Registered.  
23-978  
7-R-203.



COPY.

Mankegee, Indian Territory, January 10, 1907.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of yourself and children, Buford T. McCoy, Maude Reville, Cordie Woolley and William McCoy as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary G. McCoy as a citizen by intermarriage of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Irene Bixby*

Commissioner.

7-H205

23-979

COPY.

Muskogee, Indian Territory, January 10, 1907.

Cordie Woolley,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, John D. Woolley and James B. Woolley as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*Tame Bixby*

Commissioner.

Registered  
7-H-205  
23-979.

23-977  
7-R-206

**COPY.**

Muskogee, Indian Territory, January 10, 1907.

Buford T. McCoy,  
Marlew, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, Amina McCoy and Fay McCoy as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*Tamr Bixby*

Commissioner.

Registered.

23-977  
7-R-206.

COPY.

Muskogee, Indian Territory, January 10, 1907.

John Thompson,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision denying the application for the enrollment of yourself and children John William Thompson and Hazel Maud Thompson as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

Registered.

956.

7-R-725

971

**COPY.**

Muskogee, Indian Territory, January 10, 1907.

Wannie Foster,

Winnecah, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of yourself and children, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan and Thomas Foster as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Jame Bixby*  
Commissioner.

Registered.

7-R-725  
971.

COPY.

Muskogee, Indian Territory, January 10, 1907.

John T. Thompson,  
Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, granting the application for the enrollment of yourself, and children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson as citizens by blood of the Choctaw Nation, and the application for the enrollment of your wife, Katie Thompson, as a citizen by intermarriage of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Bixby*  
Commissioner.

Registered.  
7-R-685

7-B-225  
1001

COPY.

Muskogee, Indian Territory, January 10, 1907.

William E. Percival,

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation, dismissing the application for the enrollment of your wife, Narcissa Ella Percival, and granting the application for the enrollment of your children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissa Sadie Percival as citizen by blood of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner.

Registered.  
7-B-225  
1001

COPY.

Muskogee, Indian Territory, January 10, 1907.

John T. O'Quinn,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn and Ollie Odolpus O'Quinn as citizens by blood of the Choctaw Nation and the application for the enrollment of Fannie M May O'Quinn as a citizen by intermarriage and dismissing the application for the enrollment of Ruby O'Quinn of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tamm Dixby*  
Commissioner.

Registered.  
7-R-217.



7-R-217

COPY.

Muskogee, Indian Territory, January 10, 1907.

Thomas J. O'Quinn,  
Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn and Minnie L. Leddy as citizens by blood of the Chectaw Nation, and the application for the enrollment of Fannie May O'Quinn as a citizen by intermarriage of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED, *Tame Bixby*  
Commissioner.

Registered.  
7-R-217

COPY.

Muskogee, Indian Territory, January 10, 1907.

E. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles V.B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary H. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Anna McCoy and Fay McCoy as citizens by blood of the Choctaw Nation, the application

B.A.A. - - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, as citizens by intermarriage of the Choctaw Nation, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.

Incl. 7-B-725, et al.

7-R-725, et al.

COPY.

Muskogee, Indian Territory, January 10, 1907.

Chester Howe,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Manltay J. Lawley, Willie May Lawley, Mattie Harten, John Harten, Rachel Harten, James Harten, Mary M. Harten, Nancy Ella Harten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harten, George Pope Harten, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke, Reville, John D. Woolley, James B. Woolley, Anna McCoy and Fay McCoy, as citizens by blood of the Choctaw Nation, the application

C. H. - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.

Registered.

Incl. 7-R-725 et al.

Muskogee, Indian Territory, January 10, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 10, 1907, the Commissioner to the Five Civilized Tribes rendered a decision granting the applications for the enrollment as citizens by blood of the Choctaw Nation, of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha B. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, and the application for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the applications of John

M. M. C. #2.

D. Thompson, Sarah Jane Darken, Myrtle M. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson for enrollment as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles, E. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

There is enclosed herewith a copy of the decision of January 10, 1907, and in view of the limited time in which the work of the enrollment must be completed, I have to request that if you desire to file a protest to this decision that you forward the same to this office within five days from this date. If at the expiration of that time no protest is filed, the names of these persons will be placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation to be forwarded to the Secretary of the Interior, together with the record in this case and the decision of January 10, 1907.

Respectfully,

SIGNED

Commissioner.

COPY.

Muskogee, Indian Territory, January 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

January 21, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Narcissa Ella Percival, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens by blood of said Nation and on the same date the record in this case was forwarded to the Secretary of the Interior.

January 21, 1905, a decision was also rendered by the Commission to the Five Civilized Tribes denying the application for the enrollment of Mennie Vaughan and her four minor children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, and on the same day the record in this case was forwarded the Department.

September 26, 1905, there were filed with the Department by Chester Howe, attorney at Law of Washington, D. C. affidavit of John T. Thompson, petition and application of Sarah J. Darken et al., petition and affidavit of William E. Percival et al., affidavit of A. E. Folsom, proof of birth of Narcissa



Secretary 2

Sadie Percival, petition of Nannie Foster et al., petition of Martha Harten and affidavit of Davis A. Hemer. Mr. Howe claimed in his letter transmitting these papers that the case to which they referred were identical with the case of William C. Thompson et al. and requested that action be suspended thereon pending the final determination of said case when the matters set forth in the petitions could then be determined under the principles of law defined in the William C. Thompson case.

September 28, 1905, a report was made on Departmental letter of June 26, 1905, in the Choctaw enrollment case of John T. Thompson et al. recommending that this office be authorized to proceed with the adjudication of this case in conformity with the views expressed by the Department in its letter of April 5, 1905, in the case of Mary E. O'Quinn et al.

April 4, 1906, (I.T.D. 13766-1905) the Department directed in view of the approved opinion of the Assistant Attorney General of February 19, 1906, and March 10, 1906, in the Choctaw enrollment cases of William C. Thompson et al. and James S. Long et al., that the papers in the case of John T. Thompson et al. be returned and this office was authorized to adjudicate the case.

April 5, 1906, (I.T.D. 15008-1905, 1313-1906) the decision of the Commission of January 21, 1905, in the case of William E. Percival et al. was set aside by the Department and the case was returned for readjudication.

April 5, 1906 (I.T.D. 1272-1905), the record in the case of Nannie Vaughan et al. was returned for appropriate action.

Secretary 3

Written requests having been received from co-relatives of these persons, whose cases had not yet been adjudicated, that testimony should be taken in their cases at the same time, notice was given all the parties and on May 28, 1906, a hearing was had in the matter of the applications for the enrollment as citizens of the Choctaw Nation of the following persons.

John T. O'Quinn et al.,  
Minnie Lee Leddy,  
John T. Thompson et al.,  
Sarah Jane Darken et al.,  
Martha A. Harton et al.,  
William H. Percival et al.,  
Hannie Vaughan et al.,  
John D. Thompson et al.,  
William H. McCoy et al.

I have the honor to transmit herewith the record of proceedings in the consolidated cases of Franklin M. Harton et al., together with additional proceedings had in these cases and my decision of January 10, 1907, granting the applications for the enrollment as citizens by blood of the Choctaw Nation of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsey J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Hannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Revilla, Gordie Woolley, William McCoy, Agnes O'Quinn,

Secretary 4

Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, and the applications for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the applications of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson for enrollment as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

January 10, 1907, the attorneys for the Choctaw and Chickasaw Nations were notified of this decision and were advised that if no protest was filed by them prior to January 15, 1907, the record in these cases would be transmitted to the Department and that the names of the persons whose applications for enrollment were granted therein would be placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation to be forwarded the Department with the record and decision. No protest has been filed to this decision and there are, therefore, transmitted herewith schedule of citizens by blood of the Choctaw Nation numbers 16066 to 16101 inclusive, schedule of citizens by intermarriage of the Choctaw Nation 1623 to 1626 inclusive, and schedule

Secretary 5.

of minor citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, 844 to 856 inclusive.

Since the preparation of the schedules herewith transmitted, this office is in receipt of Departmental letter of January 15, 1907, directing the suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson et al., and I have to report that the persons included in the decision in the Choctaw enrollment case of Franklin M. Marton et al. occupy an analagous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson et al. *~*

If the decision of the Commissioner to the Five Civilized Tribes of January 10, 1907, is affirmed by the Department, I have to request that the schedules transmitted herewith be also approved and that this office be notified as early as practicable of Departmental action in this case.

Respectfully,

SIGNED *Tamo Birby*

Commissioner.

Through the  
Commissioner of Indian Affairs.

16 inclosures.

D.O.K.

GAW

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.V.H.  
J.V.H.  
W.C.P.  
P.T.L.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103	Elizabeth Allen.
16112	George A. Bungamer.
16119	Leontitia Gratchfield.
16106	Everett Gratchfield

16111	George V. Crutchfield.
16183	Ida Crutchfield.
16107	Ima Crutchfield.
16106	Lowvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Grutchfield family on the roll approved May 21, 1904, the names of Ariella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 8-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Grutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflere Long and Jake Laflere Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department



finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendations as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.



For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

D 204-1909.

Muskogee, Oklahoma, April 22, 1909.

**Subject:**

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harten et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File S-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harten, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 351) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Haulspie Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jessena Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy B. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Hannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa E. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary 3.

McGoy as citizens by blood and for the enrollment of his wife, Mary G. McGoy, as a citizen by intermarriage of said nation.

William B. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Woody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation

Nannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Dolphy (Ollie

Secretary 4.

Odolphus O'Quinn and Minnie L. Luddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Annie Vaughan for the enrollment of herself and her minor children, Rattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1906, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Francis M. Harten, and her children, John F. Harten, James W. Harten, Rachel G. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

Secretary S.

family the name was spelled Nerton while in the above petition the name is spelled Narten. The subsequent proceedings established that the name is correctly spelled Narten and it is so spelled hereafter.

September 28, 1906, there were also filed with the Department petitions on behalf of Annie Foster, (formerly Vaughan) and her children, Sarah Jane Darden and her children, and John D. Thompson and his children, William M. Percival, et al.

The Department on April 4, 1906 ( I. T. D. 13786-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I. T. D. 13113-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William M. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I. T. D. 12723-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Annie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I. T. D. 1745-1906) transmitted a letter from John T. O'Quinn, of Harlow,



Secretary C.

Indian Territory, of April 8, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in those cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 20, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Edolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pepe Marten, child of Franklin M. Marten and Martha Ann Marten; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marten; Bertha May Marten, daughter of John M. Marten and his wife, Bessie Marten; Harrietta Sadie Percival, daughter of William H. Percival and Harrietta Ella Percival; Thomas Foster, child of Fannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. N. Reville and Mand Reville, nee McCoy; Amina McCoy and May McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Weoley and James B. Weoley, children of Robert L. Weoley and his wife, Cordie Weoley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. H. O'Quinn); Winnie L. Liddy (as Winnie Liddy); John T. Thompson (as Jno. T. Thompson); Mary F. Thompson; William B. Thompson (as Wm. Thompson); Charles B. Thompson (as Charles Thompson); John M. Thompson (as Jno. M. Thompson); John Henry Darken (as Jno. Henry Darken); Charles B. Darken, Jr. (as Charles B. Darken); Benjamin Oliver Welch (as Benjamin Welch); Walter Welch; Maultay Loley (as Maultsey Lawley); Mattie Herten; Rachel Hunt (as Rachel B. Horton); John Herten (as Johnie Herten); James Horton (as Jimmie Horton); Mary M. Horton; Narcissa Ella Percival (as Narcissus Percivill); Jesse Percival (as Jesse Percivill); Taylor Percival (as Tayler Percivill); Forrest Percival (as Forrest Percivill); Katie Percival (as Kate Percivill); Rebecca Percival (as Rebecca Percivill); Mammie Vaughan (as Mammie Vaughn); Mattie Vaughan (as Mattie Vaughn); Callie Vaughan (as Callie Vaughn); Stella Vaughan (as Stella Vaughn); William H. McCoy; Buford T. McCoy;



Secretary S,

Naudie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Barken.

November 17, 1906 ( I T D 13007-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Barkin, et al., Franklin M. Harton, et al., William R. Percival, et al., Nannie Pester (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1602-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 ( I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1896, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultey J. Lawley, Willis May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Tayler Percival, Forrest Percival, Katie Percival, Rebecca Percival, Harriette Sadie Percival, Mennie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan.

Secretary 10.

William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Murtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa S. Thompson and Marcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin W. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by E. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 856 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin W. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted its report of this office of January 19, 1907, and the record and decision in the case of Franklin W. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080, 2716, 3000, 6918-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Chectaw by blood, Numbers 16066 to 16101, inclusive,  
Chectaw by marriage Numbers 1623 to 1625, inclusive,  
Minor Chectaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Land  
51748-1909  
J E D

## DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

G.R.

WASHINGTON.

Jun 7 1909

Enrollment case of  
Franklin M. Horton  
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Horton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Geldaby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

G. F. Hauke

Chief Clerk.

NCKcO-1  
1870



Lami  
31748-1909  
J E D

Jun 1 1909

Enrollment case of Franklin  
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 23, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John E. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

MCMeC-27  
1561

R. G. Valentine  
Acting Commissioner.

June 2, 1909.

APPROVED:

Frank Pierce  
First Assistant Secretary



Choctaw 6066  
Choctaw Minor  
972.

Muskogee, Oklahoma, June 16, 1909.

Mr. John T. O'Quinn,  
Marlow, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Frank in M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

INDIAN TERRITORY  
SOUTHERN DISTRICT

Be it known that on this the 26 day of March 1903. before me the undersigned authority personally appeared Mary E. O'Quinn nee Thompson who being by me duly sworn on her oath state that she is a Choctaw Indian by blood and has made application to the Five Civilized Tribes situated at Muskogee Indian Territory for enrolment as a member of the Choctaw Tribe or nation of Indians as a Mississippian Choctaw and in support of her claim she desires the evidence of William Jones, Steven McGee both of Texas, and that said Jones and McGee are old and infirm and are financially unable to appear before the said commission to testify and that your applicant is also unable financially to procure their attendance.

That the evidence of both Jones and McGee is material in this case by whom she expects to prove that the ancestors of her the said Mary E. O'Quinn nee Thompson resided in the old Choctaw nation in the state of Mississippi, in 1830 and did comply or attempted to comply with the treaty of 1830, and that within the time prescribed by law, and therefore ask that the depositions of the said Jones and McGee be taken in accordance with the rules and regulations heretofore promulgated by the commission to the Five Civilized Tribes to be used as evidence in behalf of the applicant Mary E. O'Quinn nee Thompson.

Mary E. O'Quinn  
Subscribed and sworn to before me this the 26 day of Mar. 1903.

Geo. J. Petty  
Notary Public.

INDIAN TERRITORY

NOTARY PUBLIC

Be it known that on this the 26 day of March 1907 before me the undersigned authority personally appeared Mary E. O'Quinn nee Thompson who being by me duly sworn on her oath says that she is a Choctaw Indian by blood and has made application to the Five Civilized tribes situated at Muskogee Indian Territory for enrollment as a member of the Choctaw Tribe or nation of Indians as a Mississippi Choctaw, and in support of her claim she desires the evidence of William Jones and Shhepens McGee both of Texas and that said Jones and McGee, are old and infirm and are financially unable to appear before the said commission to testify and that said agent is also financially unable to procure their attendance.

That the evidence of both Jones and McGee is material in this case by whom she expects to prove that the ancestors of her the said Mary E. O'Quinn nee Thompson resided in the old Choctaw Nation in the State of Mississippi in 1830 and did comply or attempted to comply with the treaty of 1830 and that within the time prescribed by law and therefore ask that the depositions of the said Jones and McGee, be taken in accordance with the rules and regulations heretofore promulgated by the commission to the Five Civilized Tribes, to be used as evidence in behalf of the applicant Mary E. O'Quinn nee Thompson.

Mary E. O'Quinn

Subscribed and sworn to before me this the 26 day of Mar. 1907.

Geo. R. Putty

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Colbert, I. T., June 21, 1900.

In the matter of the application of Mary E. O'Quinn et al  
for enrollment as Choctaws by blood, being sworn and examined by  
Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Mary E. O'Quinn.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Marlow, I. T.  
Q How long have you lived in the Indian Territory? A At  
This will be nine years.  
Q You have been living here all the time for the past three  
years? A Yes sir, been living here nine years.  
Q Where did you live before you came to the Territory? A  
In Texas.  
Q Were you born in Texas? A Yes sir, I was born and raised in  
Texas.  
Q What is your father's name? A John T. Thompson.  
Q Is he living? A No sir.  
Q Was he a Choctaw Indian? A Yes sir.  
Q What proportion of Choctaw blood did he claim to have? A  
I don't know exactly how much he claimed; my grand-father claimed  
to be a quarter and my grandmother claimed to be a half-breed,  
but her name has never been found on the record at all.  
Q Was your father's name ever been upon the Tribal rolls of the  
Choctaw Nation? A  
Choctaw No sir.  
Q Has he ever been recognized by the Tribal authorities as a  
citizen of the Choctaw Nation? A No sir.  
Q What is your mother's name? A Mary J.  
Q Is she living? A Yes sir.  
Q Is she a white woman? A Yes sir.  
Q What proportion of Choctaw blood do you claim to have?  
A I guess its something about one-sixteenth.  
Q You are claiming enrollment for yourself and your children  
as Choctaws by blood? A Yes sir.  
Q Has your name ever been upon the Tribal rolls of the Choctaw  
Nation? A Yes sir.  
Q We went before the Indian council at Atoka.  
Q When was that? A In 1896.  
Q Did the Indian council ever hold session at Atoka? A Yes  
sir I think they did, I reckon that's the place.  
Q You mean, do you not that you went before some committee or  
commission? A That is what I reckon it was.  
Q Did you ever appear before the Council at Tushkahomaa? A  
No sir.  
Q What did the Board of Commissioners of the Choctaw Nation do  
in regard to your case? A They put me on the roll I guess. I  
got some papers from them.  
Q Did the Council of the Choctaw Nation ever recognize you?  
A I don't understand that much.  
Q What month in 1896 was this action taken? A In December  
1896.  
Q That is the only application you ever made to the Tribal au-  
thorities is it? A Yes sir.  
Q Did you apply to the Dawes Commission in the year 1896?  
A No sir.  
Q Is this the first time you have ever appeared before the  
Dawes Commission? A I went before them at Duncan, but they  
didn't give me any trial.  
Q What is the name of the father of your children? A T. J.  
O'Quinn.  
Q Is he living? A Yes sir.  
Q How many children living with you at home? A I have four

Mary E. O'Quinn et al #2

Q your minor children are living with you? A Yes sir.  
Q Their post-office address and residence is the same as yours?  
A Yes sir.  
Q Give their names and ages A James Walter, seventeen;  
Dora Ethel, fifteen; Thomas Mayfield, twelve; Ora May, nine.  
Q Is there any additional statement that you would like to make  
at this time? A No sir.  
Q Have you got any papers that you wish to file? A Yes sir.  
Note: Application and affidavit of Mary E. O'Quinn offered  
in evidence, marked Exhibit "A"; Affidavit of J.M.W. Liddy, offered  
in evidence, marked Exhibit "B"; certified copy of the records of  
the Revisory Board of the Choctaw Nation offered in evidence, marked  
Exhibit "C". Affidavit of Lavinia Franklin offered in evidence  
marked Exhibit "D"; affidavit of Henry N. Perkin offered in ev-  
idence, marked Exhibit "E"; affidavit of R. E. Colbert offered in  
evidence, marked Exhibit "F".

Decision withheld.

M.D.Green, being first duly sworn, states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the fore-  
going case, and that the above and foregoing is a full, true and  
complete transcript of his stenographic notes taken in said case.

  
Subscribed and sworn to before me this 6 day of July 1900.

  
Acting Chairman.

Department of the Interior  
Bureau of Land Management  
Washington, D. C. 20240  
Case No. 3969

Randolph Quinn

MAY 14 1906



IN RE APPLICATION FOR ENROLLEMENT As a citizen of the  
Choctaw Nation of Randolph Quinn born on the 23 day of  
August 1896 Name of Father John T. Quinn a citizen of the  
Choctaw Nation. Name of Mother Francis May Quinn  
A citizen of the Choctaw Nation.

Post Office Marlow I.T.

UNITED STATES OF AMERICA •

Indian Territory •

SOUTHERN

DISTRICT - •

I Francis May Quinn on oath state that I am 26 yrs old and  
a citizen by blood of the Choctaw Nation and that I am the lawful  
wife of John T. Quinn who is a citizen by blood of the  
Choctaw Nation. That a Male child was born to me on  
the 23 day of August 1896 that said child ~~XXXXXX~~  
has been named Randolph Quinn and is now living

Subscribed and sworn to before me this the 26 day of Jan 1904.

Francis May Quinn  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN,

Indian Territory •

Southern district •

I, D. M. Montgomery a physician on  
oath state that I attended on Mrs Francis May Quinn Wife of John  
T. Quinn on the 23 day of August 1896 and there was  
born to her on said date a Male Child that said child is said  
to have been named Randolph Quinn and is now living.

D. M. Montgomery M.D.

Subscribed and sworn to before me this the 25 day of Nov 1904.

W. H. Gentry  
N. P.

RECEIVED  
JUL 21 1899  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.



CHOCTAW. (756) 11

JUN 21 1900

Mary E. O'Quinn, (46)

Marlow, I.T.

(Father.) John T. Thompson (Sr.) ~~and~~

(mother) Mary Thompson, (N.S.)

(Husband) T. J. O'Quinn.

(  
17 James M.  
15 Dora E.  
12 Thomas M.  
9 Ora May.  
)

CHOCTAW.

Personal appearance and  
testing at Colbert, O.T.  
6/21/00.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JWH  
LLB

I.T.D. 4055-1906.  
D.C. 14233-1906.

April 17, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a letter dated April 5, 1906, from John T. O'Quinn, of Marlow, Ind. T., relative to his application for enrollment as a citizen of the Choctaw Nation, said application having been included, as he claims, in that of William C. Thompson et al.

It appears that the name of John T. O'Quinn was given in by his father, Thomas J. O'Quinn, at the date when the latter's testimony was taken at South McAlester, Ind. T. In connection with said testimony, as a part of the field notes of the Commission, it appears that his name is not found upon the 1896 roll. Notwithstanding his name was submitted to the Commission it failed to include him in its decision of March 5, 1904, either as a Mississippi Choctaw or a Choctaw by blood.

The Department considers that his name was submitted in such a manner as to meet the requirements of an application. Accordingly, no reason is seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen

-2-

by blood of the Choctaw Nation. You are requested to furnish a report in the matter, showing why final action was not taken in his case, See letter of October 4, 1900 (I.T.D.3195-1900), to the Commission.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

COPY.

Muskogee, Indian Territory, May 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of April 17, 1906 (I.T.D. 4055-1906) inclosing letter of April 5, 1906, from John T. O'Quinn of Marlow, Indian Territory, relative to his application for enrollment as a citizen of the Choctaw Nation which he claims was included in the Choctaw enrollment case of William C. Thompson et al.

The Department states that the name of John T. O'Quinn was given in by his father Thomas J. O'Quinn at South McAlester, Indian Territory, and notwithstanding his name was submitted to the Commission it failed to include him in its decision of March 4, 1904, as a Mississippi Choctaw or as a Choctaw by blood. The Department considers that his name was submitted in such a manner as to meet the requirements of an application and no reason is seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation. Report is therefore requested as to why final action was not taken in this case.

Reporting in this matter I have the honor to state that it appears from the records of this office that application was made by Thomas J. O'Quinn for the enrollment of certain members of his family as citizens of the Choctaw Nation among whom was John T. O'Quinn. It appears, however, that when application was subsequently made by Mary E. O'Quinn, wife of Thomas J. O'Quinn for the enrollment of herself and her children as Mississippi Choctaws, the name of her son John T. O'Quinn was not included and his name was inadvertently omitted from the decision of the Commission to the Five Civilized Tribes of March 5, 1904, in the consolidated Mississippi Choctaw case of William C. Thompson et al.

John T. O'Quinn has this day been notified that he will be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and when such testimony has been presented his application for enrollment as a citizen by blood of the Choctaw Nation will be adjudicated and further report made to the Department.

The letter of John T. O'Quinn inclosed with Departmental communication of April 17, 1906, is herewith returned.

Respectfully,

SIGNED *Wm. O. Beall.*

Through the Commissioner  
of Indian Affairs.

Acting Commissioner.

Choctaw R 217

Refer in reply  
to the  
following:

Land.  
40195-1906.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

( C O P Y )

May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 4th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt of Departmental letter of April 17, 1906 (I.T.D. 4055-1906), enclosing letter of April 8, 1906, from John T. O'Quinn, of Marlow, Indian Territory, relative to his application for enrollment as a citizen of the Choctaw Nation, which he claims was included in the Choctaw enrollment case of William C. Thompson, et al.

Mr. Beall quotes the Department as saying that the name of John T. O'Quinn was given in by his father, Thomas J. O'Quinn, at Sout McAlester, Indian Territory, but notwithstanding that his name was submitted to the Commission it failed to include him in its decision of March 4, 1904, as a Mississippi Choctaw or as a Choctaw by blood, and the Department considers that his name was submitted in such a manner as to meet the requirements of an application and no reason is seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the

Choctaw Nation.

Report is therefore requested as to why final action was not taken in this case.

Reporting, Mr. Beall says that it is shown by the records of the Commissioner's office that application was made by Thomas J. O'Quinn for the enrollment of certain members of his family, as citizens of the Choctaw Nation, among whom was John T. O'Quinn; that when application was subsequently made by Mary E. O'Quinn, wife of Thomas J. O'Quinn, for the enrollment of herself and her children as Mississippi Choctaws, the name of her son, John T. O'Quinn, was not included, and his name was inadvertently omitted from the decision of the Commission of March 5, 1904, in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

Mr. Beall says that John T. O'Quinn was, on the date of his report, notified that he would be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and when such testimony has been presented his application for enrollment as a citizen by blood of the Choctaw Nation will be adjudicated and further report made to the Department.

The letter of John T. O'Quinn, enclosed with Departmental communication of April 17, 1906, is returned.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KDH-Y.

7-6056

Muskogee, Indian Territory, February 12, 1907

John T. O'Quinn, -

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 4, 1907, in which you state that you are an applicant in the Choctaw enrollment case of W. C. Thompson et al., and you ask the status of your case.

In reply to your letter you are advised that the name of John T. O'Quinn has been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded to the Department, but the whole question involved in the case of William C. Thompson et al., has been referred to the Attorney General of the United States for opinion.

Respectfully,

Commissioner.



COPY

COPY.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
FHE.

D.C. 20658-1906.  
I.T.D. 5165-1906.  
4055- "  
8866- "

May 21, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your office letter of May 4, 1906, relative to the Choctaw enrollment case of John T. O'Quinn, whose application was included in the Mississippi Choctaw case of William C. Thompson, et al.

In said report it is stated that the name of John T. O'Quinn was inadvertently omitted from the decision of the Commissioner to the Five Civilized Tribes of March 5, 1904, in said Thompson case, and that Mr. O'Quinn has been notified that he will be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and that when such testimony has been presented his application for enrollment will be adjudicated and further report made by the Department.

Your office report in this matter is approved and the letter of John T. O'Quinn dated "4-5-06" (I.T.D. 4055-06), is returned herewith to be made a part of the papers in the case.

With Indian Office letter of May 16, 1906, forwarding your

report referred to above, there was returned, apparently through inadvertence, departmental letter of May 14, 1906, addressed to you, together with the motion for review mentioned therein, relative to the Choctaw intermarried enrollment case of Thomas J. O'Quinn. As this motion was originally forwarded to you in order that there should be no question concerning compliance with the requirements respecting new motions, prescribed by the act of April 26, 1906 (Public No. 129), it is inclosed herewith, together with said departmental letter to you of May 14, 1906, which failed to reach you, to be returned to the Department after record of its filing is made in your office.

A copy of Indian Office letter of May 16, 1906 (Land 40195-06), is also inclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

4 inclosures.

COPY

Refer in reply  
to the  
following:

Land.  
40195-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

( C O P Y )

May 16, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 4th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt of Departmental letter of April 17, 1906 (I.T.D. 4055-1906), enclosing letter of April 5, 1906, from John T. O'Quinn, of Marlow, Indian Territory, relative to his application for enrollment as a citizen of the Choctaw Nation, which he claims was included in the Choctaw enrollment case of William C. Thompson, et al.

Mr. Beall quotes the Department as saying that the name of John T. O'Quinn was given in by his father, Thomas J. O'Quinn, at South McAlester, Indian Territory, but notwithstanding that his name was submitted to the Commission it failed to include him in its decision of March 4, 1904, as a Mississippi Choctaw or as a Choctaw by blood, and the Department considers that his name was submitted in such a manner as to meet the requirements of an application and no reason is seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the

Choctaw Nation.

Report is therefore requested as to why final action was not taken in this case.

Reporting, Mr. Beall says that it is shown by the records of the Commissioner's office that application was made by Thomas J. O'Quinn for the enrollment of certain members of his family, as citizens of the Choctaw Nation, among whom was John T. O'Quinn; that when application was subsequently made by Mary E. O'Quinn, wife of Thomas J. O'Quinn, for the enrollment of herself and her children as Mississippi Choctaws, the name of her son, John T. O'Quinn, was not included, and his name was inadvertently omitted from the decision of the Commission of March 5, 1904, in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

Mr. Beall says that John T. O'Quinn was, on the date of his report, notified that he would be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and when such testimony has been presented his application for enrollment as a citizen by blood of the Choctaw Nation will be adjudicated and further report made to the Department.

The letter of John T. O'Quinn, enclosed with Departmental communication of April 17, 1906, is returned.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

Chootaw 2 217.

COPY.

Muskogee, Indian Territory, June 14, 1906.

John T. O'Neil,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, inclosing certified copy of marriage license and certificate between yourself and May Calhoun, which you offer in support of the application for the enrollment of your children as citizens of the Choctaw Nation under the act of Congress approved April 26, 1906, and the same has been filed in the matter of the enrollment of said children.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

7-R-217

COPY.

Muskogee, Indian Territory, September 1, 1906.

Chester Howe,  
618 Loan & Trust Building,  
Washington, D. C.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 20, 1906, enclosing motion for a reconsideration and review in behalf of William C. McNaess, one of the parties in the consolidated case of William C. Thompson et al; also motion for review on behalf of James M. W. Laddy, in the same case, which are forwarded for notation upon the records of this office and such other action as may be deemed proper, including transmission to the Secretary of the Interior.

Referring to the motion for the enrollment of James M. W. Laddy you are advised that it does not appear from the records of this office that application was made by James M. W. Laddy for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896, nor does it appear that application has been made for his enrollment as a citizen of the Choctaw Nation under the Act of Congress approved June 25, 1898, or subsequent acts.

In this connection your attention is invited to the Act of Congress approved April 26, 1906 (Public No. 129), which provides,

in part, as follows:-

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five and which was not allowed solely because not made within the time prescribed by law."

Seemingly, the provision of law above quoted is determinate as to the alleged claim of James M. W. Leddy to enrollment as a citizen of the Choctaw Nation. If, however, he still desires to appear before the Commissioner at his office in Muskogee, Indian Territory, he may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any application of any character was made for his enrollment as a citizen of the Choctaw Nation within the time provided by law.

The motion filed by you in behalf of William G. McNeese will be made the subject of a separate communication.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

7-R-217

COPY.

Muskogee, Indian Territory, September 1, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

In compliance with the request of James M. W. Leddy you are advised that Minnie Lee Leddy, wife of the said James M. W. Leddy is an applicant for enrollment as a citizen by blood of the Choctaw Nation and her case is now pending before this office; her name appears upon Choctaw card R 217, and you are therefore authorized to make notation of her claim to certain land in order that she may be notified in the event any other person makes application therefor.

Respectfully,

SIGNED

*Wm. O. Beall.*

Acting Commissioner.



7-R-217

COPY.

Muskogee, Indian Territory, September 1, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

In compliance with the request of James M. W. Leddy you are advised that Minnie Lee Leddy, wife of the said James M. W. Leddy is an applicant for enrollment as a citizen by blood of the Choctaw Nation and her case is now pending before this office, her name appears upon Choctaw card R 217, and you are therefore authorized to make notation of her claim to certain land in order that she may be notified any other person makes application therefor.

Respectfully,

SIGNED

*Wm. O. Beall.*

Acting Commissioner.

7-R-217.

COPY.

Muskogee, Indian Territory, September 4, 1906.

James M. W. Leddy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of August 15 and 25, 1906, in which you ask that the name of your wife, Minnie Lee Leddy, be sent to the Chickasaw Land Office, as she has improvements on certain land and she desires to have her claim thereto made a matter of record in the case any other persons have filed on the same.

In compliance with your request, the Chickasaw Land Office has been notified that your wife, Minnie Lee Leddy, has an application for enrollment as a citizen of the Choctaw Nation pending before this office.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

7-R-217

COPY.

Muskogee, Indian Territory, September 4, 1906.

James M. W. Leddy,  
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of August 15 and 25, 1906, in which you ask that the name of your wife Minnie Lee Leddy be sent to the Choctaw Land Office as she has improvements on certain land and she desires to have her claim thereto made a matter of record in the case any other persons have filed on the same.

In compliance with your request the Chickasaw Land Office has been notified that your wife Minnie Lee Leddy has an application for enrollment as a citizen of the Choctaw Nation pending before this office.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, September 12, 1906.

Chester Howe,  
618 Loan & Trust Building,  
Washington, D. C.

Dear Sir:

Referring to office letter of September 1, 1906, relative to motion submitted by you for reconsideration and review of the application of James M. W. Leddy for enrollment as an intermarried citizen of the Choctaw Nation, in which you were advised that it did not appear from the records of this office that James M. W. Leddy had made application for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896, nor that application had been made for his enrollment under the Act of Congress approved June 28, 1898 or subsequent acts, you are advised that since the date of the above letter James M. W. Leddy has been identified as Wilson Leddy named in the original application made by Thomas J. O'Quinn for enrollment of himself and his family as citizens of the Choctaw Nation and the application for his enrollment will receive consideration as early as practicable.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

COPY.

Muskogee, Indian Territory, September 21, 1906.

Chief Clerk,  
Chickasaw Land Office,  
Ardmore, Indian Territory.

Dear Sir:

You are advised that an application is pending before this office for the enrollment of John T. O'Quinn as a citizen by blood of the Choctaw Nation; you are also advised that applications have been made for the enrollment of Agnes, Mark and Altha S. O'Quinn, children of John T. O'Quinn as citizens by blood of the Choctaw Nation under the Act of Congress approved April 26, 1906.

You are therefore directed to permit them to institute contest for lands on which they own improvements which have already been selected in allotment.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

7-R-217

COPY.

Muskogee, Indian Territory, September 26, 1906.

John T. Quinn,

Barlow, Indian Territory.

Dear Sir:

Your letter of September 10, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask for an early decision in your case.

In reply to your letter you are advised that the application for your enrolment as a citizen by blood of the Choctaw Nation will receive consideration as early as practicable and you will be notified of the action taken therein.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

COPY.

Muskogee, Indian Territory, November 28, 1906.

Jesse M. Holloway,

Marlow, Indian Territory.

Dear Sir:-

You are hereby advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes, at his office at Muskogee, Indian Territory, on Monday, December 17, 1906, at nine o'clock, A. M. and submit testimony in support of the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby.*

Commissioner.

COPY.

Muskogee, Indian Territory, November 28, 1906.

James M. W. Leddy,

Marlow, Indian Territory.

Dear Sir:-

You are hereby advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes, at his office at Muskogee, Indian Territory, on Monday, December 17, 1906, at nine o'clock, A. M. and submit testimony in support of the application for your enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.



COPY.

Muskogee, Indian Territory, November 28, 1906.

Chester Howe,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:-

You are hereby advised that testimony will be taken at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, December 17, 1906, at nine o'clock, A. M. in the matter of the application for the enrollment of James M. W. Leddy as an intermarried citizen of the Choctaw Nation.

Similar notice has this day been forwarded to James M. W. Leddy, at Marlow, Indian Territory, his last known postoffice address.

Respectfully,

SIGNED

*Tame Bixby*

Commissioner.

COPY.

Muskogee, Indian Territory, November 30, 1906.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that a hearing will be had at the office of the Commissioner to the Five Civilized Tribes, December 17, 1906, at nine o'clock, A . M. in the matter of the application for the enrollment of Jesse M. Holloway as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby.*

Commissioner/

C O P Y

D.C.1162-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LHB

I.T.D. 15203-1905  
15373- "

January 2, 1907.

L R S

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There are referred herewith for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeess and Jesse Holloway, relative to their right to enrollment as intermarried citizens of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William G. Thompson, et al. 341.

You are advised that William G. McNeess is the alleged husband of Mary M. McNeess, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15998 upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906.

It is stated on page 67 of the record in the consolidated case of William G. Thompson, et al., 341, that the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page 206 thereof appears the case of William G.

McNees vs. the Cheetaw Nation, filed September 4, 1896.

Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case;" and on page 70 of same record the concluding part of the petition of Mary M. McNees, nee Thompson, for her enrollment as a citizen by blood of the Cheetaw Nation concludes with these words: "WHEREOF, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Cheetaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe . . . ."

It does not appear from the decision of the Commission to the Five Civilized Tribes of March 5, 1904, that the rights of William G. McNees as an intermarried citizen of the Cheetaw Nation was passed upon in said decision, nor does it appear from the decision of the Department of March 25, 1905 (I.T.D. 2202), in passing on the right to enrollment of Mary M. McNees and her minor child that the rights of her husband, William G. McNees, were considered.

You are requested to state whether the records of your office show that any application and adjudication thereon by you or the Commission to the Five Civilized Tribes has been made as to the right of William G. McNees as an intermarried citizen of the Cheetaw Nation, and if so, you are requested to

forward the record in the case at once to the Department for further action thereon.

In connection therewith, your attention is invited to the petition of Jesse Holloway and an alleged correct copy of the proceedings of the revisory board of the Choctaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 6, 1897. Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood, opposite No. 16006 thereon, approved by the Secretary of the Interior June 16, 1906, and his right to enrollment as an intermarried citizen of the Choctaw Nation does not appear to have been passed upon by you, the Commission to the Five Civilized Tribes, or the Secretary of the Interior in the disposition of the consolidated case of William C. Thompson et al.

If any action has been taken by you or the Commission upon the application of said Jesse Holloway and an adjudication made thereunder, you are requested to forward the record in his case to the Department for action thereon.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

C O P Y

D.C.1162-1907.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

LLE

I.T.D. 15203-1905  
15373- "

January 2, 1907.

L R S

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

There are referred herewith for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeess and Jesse Holloway, relative to their right to enrollment as intermarried citizens of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William G. Thompson, et al. 341.

You are advised that William G. McNeess is the alleged husband of Mary M. McNeess, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15203 upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906.

It is stated on page 67 of the record in the consolidated case of William G. Thompson, et al., 341, that the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page 206 thereof appears the case of William G.

McNees vs. the Choctaw Nation, filed September 4, 1896.  
Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case;" and on page 70 of same record the concluding part of the petition of Mary M. McNees, nee Thompson, for her enrollment as a citizen by blood of the Choctaw Nation concludes with these words: "WHEREOF, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Choctaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe . . . ."

It does not appear from the decision of the Commission to the Five Civilized Tribes of March 5, 1904, that the rights of William G. McNees as an intermarried citizen of the Choctaw Nation was passed upon in said decision, nor does it appear from the decision of the Department of March 25, 1905 (I.T.D. 2202), in passing on the right to enrollment of Mary M. McNees and her minor child that the rights of her husband, William G. McNees, were considered.

You are requested to state whether the records of your office show that any application and adjudication thereon by you or the Commission to the Five Civilized Tribes has been made as to the right of William G. McNees as an intermarried citizen of the Choctaw Nation, and if so, you are requested to

forward the record in the case at once to the Department for further action thereon.

In connection therewith, your attention is invited to the petition of Jesse Holloway and an alleged correct copy of the proceedings of the revisory board of the Choctaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 6, 1897. Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood, opposite No. 16006 thereon, approved by the Secretary of the Interior June 16, 1906, and his right to enrollment as an intermarried citizen of the Choctaw Nation does not appear to have been passed upon by you, the Commission to the Five Civilized Tribes, or the Secretary of the Interior in the disposition of the consolidated case of William C. Thompson et al.

If any action has been taken by you or the Commission upon the application of said Jesse Holloway and an adjudication made thereunder, you are requested to forward the record in his case to the Department for action thereon.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.



COPY.

Mustoge, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 2, 1907 (I.T.D. 15203, 15373-1905), received at this office on the ninth instant and referring for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeas and Jesse Holloway, relative to their right to enrollment as citizens by intermarriage of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William C. Thompson, et al.

The Department states that William G. McNeas is the alleged husband of Mary M. McNeas, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15998, upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906. Reference is also made to the record in the consolidated Choctaw case of William C. Thompson, et al., on Page 67 of which it is stated:

"That the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page

(2)

206 thereof appears the case of William G. McNeess vs. the Choctaw Nation, filed September 4, 1896. Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case."

The Department likewise invites attention to page 70 of the same record, being the concluding part of the petition of Mary M. McNeess, nee Thompson, for enrollment as a citizen by blood of the Choctaw Nation, which contains the following:

"Whereof, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Choctaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe."

The Department finds that the decision of the Commission to the Five Civilized Tribes of March 5, 1904, did not pass upon the rights of William G. McNeess as an intermarried citizen of the Choctaw Nation, nor did the Department in its decision of March 25, 1905 (I.T.D. 2202-1905), in passing upon the right to enrollment of Mary M. McNeess and her minor child consider the rights of her husband, William G. McNeess.

I am therefore requested to state whether the records of this office show that any application and adjudication thereof had been made as to the right of William G. McNeess as an intermarried citizen of the Choctaw Nation, and if so, to forward the record in the case to the Department at once for further action thereon.

I have the honor to report in reference to the application of William G. McNeess for enrollment as a citizen by intermarriage of

the Choctaw Nation, that the same was not adjudicated by the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of William C. Thompson, et al., as no specific claim was made or right asserted to his identification by reason of his marriage to a Mississippi Choctaw. The records of this office show, however, that application was duly made for the enrollment of William G. McNeese as an intermarried citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes in the year 1899, but that action looking to the disposition of such application was suspended pending the consideration and disposition by the Department of the Mississippi Choctaw case, of William C. Thompson, et al.

June 22, 1906, there was filed with this office by Chester Howe, attorney at law, Washington, D. C., a motion for the reconsideration and review of the application of William G. McNeese for enrollment as a Choctaw Indian by blood, the motion referred to being transmitted for the information of the Department.

August 31, 1906, William G. McNeese, Marlow, Indian Territory, Chester Howe, Washington, D. C., and the attorneys for the Choctaw and Chickasaw Nations, were notified that Mr. McNeese would be heard before the Commissioner at his office at Muskogee, Indian Territory, on Saturday, September 29, 1906, at 9 o'clock A. M., for the purpose of testifying relative to his right to enrollment as

(4)

a citizen by intermarriage of the Choctaw Nation. Upon the written request of McNeese this hearing was continued until October 15, 1906, notice of such continuance being furnished the applicant, his attorney, and the attorneys for the Choctaw and Chickasaw Nations.

October 15, 1906, William G. McNeese appeared before the Commissioner and testified in reference to his right to enrollment as an intermarried citizen of the Choctaw Nation. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

November 6, 1906, I rendered a decision refusing the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, which decision with the record in the case, was, on November 8, 1906, transmitted the Department through the Commissioner of Indian Affairs.

The Department in its letter of January 2, 1907, also invites attention to the petition of Jesse Holloway, and an alleged copy of the proceedings of the Revisory Board of the Choctaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 6, 1897. It is stated that Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood opposite No. 16006, approved by the Secretary of the Interior, June 16, 1906. The Department states his right to enrollment as an intermarried citizen of the Choctaw

(5)

Nation, does not appear to have been passed upon either by this office or the Department in the disposition of the consolidated case of William C. Thompson, et al.

In conclusion the Department desires to be advised if any action has been taken by this office upon the application of Jesse Holloway, and an adjudication made thereof, and if so, that the record be forwarded to the Department for action thereon.

In reporting upon the case of Jesse M. Holloway, I have to advise that the facts are practically identical with those in the William G. McNeese case; Holloway having applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation in the year 1899, but action was suspended upon the disposition of said application by reason of the fact that the Mississippi Choctaw case of William C. Thompson, was before the Department for consideration.

After the decision of the Department enrolling a number of the applicants by blood in the William C. Thompson case, this office took up for consideration the cases of the white persons claiming rights as intermarried citizens of the Choctaw Nation by reason of their marriages to the persons enrolled as citizens by blood of the Choctaw Nation.

November 28, 1906, Jesse M. Holloway, Marlow, Indian Territory, his attorney of record, Chester Howe, Washington, D. C., and

(6)

the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner would, at his office at Muskogee, Indian Territory, on Monday, December 17, 1906, at 9 o'clock A. M., hear such testimony as might be submitted in support of the application for the enrollment of Jesse M. Holloway, as a citizen by intermarriage of the Choctaw Nation.

December 17, 1906, Jesse M. Holloway personally appeared before this office and testified in reference to his right to enrollment as such intermarried citizen. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

After the consideration of this case, I rendered a decision on January 10, 1907, refusing the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation; said decision, together with the record in the case, having, on the same date, been transmitted the Department through the Commissioner of Indian Affairs.

The letters enclosed with Departmental letter of January 2, 1907, are returned herewith.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

ENC 1 enc.

Through the Commissioner  
of Indian Affairs.

Wp. O.B. 7A217

INDEXED

GDR

OLJ

Muskogee, Indian Territory. January 10, 1907

The honorable,

The Secretary of the Interior.

Sir:

The Department under date of May 14, 1906 (I.T.D. 5165-1906), transmitted for report and recommendation a motion for review in the matter of the application of Thomas J. O'Quinn for enrollment as an intermarried citizen of the Choctaw Nation, (filed by Chester Howe of Washington, D. C. ).

This motion prays for a review of Departmental decision of April 4, 1906 (I.T.D. 4222-1906), denying the application for the enrollment of Thomas J. O'Quinn as a citizen by intermarriage of the Choctaw Nation.

The motion alleges that Mary E. O'Quinn, the wife of the applicant, is a Choctaw by blood; that she was born in the State of Texas in 1854, where she continued to reside until 1891, and that May 22, 1871, she was married to the applicant, Thomas J. O'Quinn in said state.

The Department in its decision of April 4, 1906, held as follows:

Secretary -2.

"It does not appear, however, that Thomas J. O'Quinn, who claims by intermarriage is entitled to enrollment. This conclusion follows because his marriage to Mary E. O'Quinn occurred in Texas in 1871, at a time when he had not so far as the record reveals been a citizen of the Indian Territory for several years, if at all. Under such circumstances it is considered he would be barred from enrollment by the Act of the Choctaw Council approved October, 1840. See page 120, eight annual report of the Commission to the Five Civilized Tribes. Nor does the record disclose that subsequent to his removal to the Territory he remarried the principal applicant in accordance with the tribal laws."

Mr. Howe in his motion alleges error in the decision of the Department in several particulars, the most notable being that the Choctaw and Chickasaw Treaty of 1866 superseded and annulled the Act of the Choctaw Council of 1840.

The Department also under date of May 21, 1906 (I.T.D. 5165, 4055, 8866-1906), in reference to the application for the enrollment of John T. O'Quinn as a citizen by blood of the Choctaw Nation, invited attention to the case under consideration in the following language:

"With Indian Office letter of May 16, 1906, forwarding your report referred to above, there was returned, apparently through inadvertence, departmental letter of May 14, 1906, addressed to you, together with the motion for review mentioned therein, relative to the Choctaw intermarried enrollment case of Thomas J. O'Quinn. As the motion was originally forwarded to you in order that there should be no question concerning compliance with the requirements respecting new motions prescribed by the Act of April 26, 1906 (Public No. 129), it is inclosed herewith, together with said departmental letter to you of May 14, 1906, which failed to reach you, to be returned to the Department after record of its filing is made in your office."



Secretary -3.

In returning the motion submitted by Mr. Howe, I have the honor to report that it appears from the records of this office that when application was made by Mary E. O'Quinn on March 19, 1903, for the identification of herself and her four minor children as Mississippi Choctaws, the following testimony was submitted in reference to her husband, Thomas J. O'Quinn:

"Q Are you married?  
A Yes sir.  
Q Is your husband living?  
A Yes sir.  
Q What is his race?  
A White.  
Q What is his name?  
A Thomas J. O'Quinn.  
Q Do you make any claim for your husband?  
A No sir."

The record in the consolidated Mississippi Choctaw case of William C. Thompson, et al., which is now before the Department, will also show that Thomas J. O'Quinn personally appeared before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the month of September, 1899, and made application for enrollment as a citizen of the Choctaw Nation.

Apparently the question as to the submission of an application should resolve in favor of the applicant, and as the motion for review was filed with the Department on May 10, 1906, and with the Commissioner to the Five Civilized Tribes May 28, 1906, within the time prescribed by Section One of the Act of Con-

Secretary -4.

gress approved April 26, 1906 (34 Stats., 137), the Commissioner and the Department are undoubtedly vested with jurisdiction to now determine the merits of the applicant's right to be enrolled as a citizen by intermarriage of the Choctaw Nation.

I have the honor in submitting this case to report that the Commission to the Five Civilized Tribes, and its successor (with the approval of the Department), have held in numerous cases of applicants for enrollment as citizens by intermarriage of the Choctaw Nation, that the Act of the Choctaw National Council of October, 1840, was inoperative after the ratification and promulgation of the Choctaw-Chickasaw Treaty of 1866, and was impliedly repealed by the terms of said treaty.

There was no statute or Act of the Choctaw Council providing for the issuance of a tribal license to white males to marry female citizens of the Choctaw Nation between the date of the Treaty of 1866 and November 9, 1875, the date of the passage of the first law regulating marriages between white persons and citizens of the Choctaw Nation after the adoption of the Treaty of 1866. It has been uniformly held that all white persons lawfully married to citizens by blood of the Choctaw Nation during the interval between the promulgation of the Treaty of 1866 and November 9, 1875, were entitled to enrollment as citizens by intermarriage of the Choctaw Nation. This doctrine was clearly

Secretary -5.

enunciated by the Department in its decision of May 12, 1906, (I.T.D. 3128-1902, 17440-1905), authorizing the enrollment of Thomas Ashford as a citizen by intermarriage of the Choctaw Nation.

The record in the case of Thomas J. O'Quinn shows that he was lawfully married in the state of Texas in 1871, to Mary E. O'Quinn; that Mary E. O'Quinn is a citizen by blood of the Choctaw Nation, her name appearing upon the final roll of such citizens as approved by the Secretary of the Interior opposite No. 16012; that both of said persons at the time of said marriage were residents in good faith of the State of Texas; and that the applicant, Thomas J. O'Quinn, was a resident in good faith of the Indian Territory, as provided by the Act of Congress approved June 28, 1898 (30 Stats., 495).

The record, however, further shows that at the time of the marriage of Thomas J. O'Quinn to Mary E. O'Quinn, the latter was not a recognized citizen of the Choctaw Nation, nor was she a resident of Indian Territory, and that neither subsequent to her recognition by the Choctaw tribal authorities in 1896, nor subsequent to the establishment of her residence in the Indian Territory, which occurred in 1891, were they remarried under a Choctaw tribal license.

I am, therefore, of the opinion that for the reasons last set forth, the decision of the Department of April 4, 1906 (I.T.D. 4222-1906), denying the application for the enrollment of

Secretary -6.

Thomas J. O'Quinn as a citizen by intermarriage of the Choctaw Nation should be adhered to, and I so respectfully recommend.

Respectfully,

(Signed)

Tams Bixby  
Commissioner.

Incl.

Through the Commissioner  
of Indian Affairs.

D.C.12473.  
I.T.D.4806-1907.  
L.R.S.  
Direct.

G.R.  
LLB.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

February 28, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory. .

Sir:

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D.4564), in the consolidated case of William C. Thompson et al., and in accordance with the recommendation of the Indian Office of February 23, 1907 (Land 3842), copy whereof is inclosed, your decision of January 10, 1907, denying the application of Jesse M. Holloway for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

A. F. Mc.  
3-107.

Land  
3848-1907.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, enclosing record in the matter of the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, dated January 10, 1907, denying the application.

It appears from the record that application was made to the Commission to the Five Civilized Tribes in 1899 for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The applicant bases his right to enrollment as a citizen by intermarriage by reason of his marriage to Mattie Belensiefen on June 5, 1893, under the United States law.

Mattie Belensiefen is a recognized and enrolled citizen by blood of the Choctaw Nation, and her name appears on the approved final roll of citizens by blood of that Nation, opposite No. 18006.

It does not appear from the record that the applicant has ever been admitted to Choctaw citizenship by any duly consti-

authority, nor has he ever been married to Mattie Holloway, through whom he claims his intermarried rights by virtue of a license issued by the tribal authorities of the Choctaw Nation.

The Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying his application for enrollment as an intermarried citizen of the Choctaw Nation, is correct, and it is recommended that it be affirmed.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

FWE-SD.

G. R.

DEPARTMENT OF THE INTERIOR,

D.C. 10518-1907.  
I.T.D. 3562-1907.

WASHINGTON.

O.K.

L.R.S.

February 19, 1907.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 15, 1907 (Land 5055), your decision of January 12, 1907, denying the application of James M. W. Leddy, for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

A motion for reconsideration of said decision filed on behalf of applicant by Chester Howe, Esq., is hereby denied.

You will advise applicant and his attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a copy hereof. Copy of the Indian Office letter is enclosed.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 2 Inc.  
to Ind. Of.

A. F. Mc.  
2-20-07.



(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land.  
5055-1907.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 12, 1907, transmitting the record relative to the application of James M.W. Leddy for enrollment as a citizen by intermarriage of the Choctaw Nation. On January 12, 1907, the Commissioner denied the application.

The record shows that the applicant claims right to enrollment as a citizen by intermarriage by virtue of his marriage, on March 3, 1905, to Minnie Lee Leddy, whose application for enrollment as a citizen of the Choctaw Nation by blood was granted by the Commissioner to the Five Civilized Tribes on January 10, 1907. The marriage was performed in accordance with the laws of the United States.

Even though Mary Lee Leddy is entitled to enrollment, the applicant is not, as a citizen by intermarriage, because the marriage was not performed in accordance with the laws, usages and customs of the Choctaw Nation, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH.

D.C./13355  
I.T.D. 7062-1907.

J.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

L.R.S.  
DIRECT.

March 4, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of January 11, 1907, relative to the claimed rights in the Choctaw Nation of William G. McNeese and Jesse Holloway. Your letter was transmitted to the Department with Indian Office letter of March 2, 1907 (Land 4711-07), copy inclosed.

No action appears necessary upon your communication, as the Department has passed, or will pass, upon the claims of these parties upon the records which you inform the Department have been submitted. The papers have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and  
3 for Ind. Of. with  
copy hereof.

3-5-07.

Land.  
4711-1907

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of January 2, 1907 (I.T.D. 15203-and 15373-1906), relative to letters of inquiry from William G. McNeess and Jesse Holleway, alleged applicants for enrollment in the consolidated case of William C. Thompson, et al., I have the honor to transmit herewith a report from Commissioner Bixby relative to the inquiries contained in these letters.

The letters and alleged motion for reconsideration and review are enclosed herewith.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

EVE--ED

Choctaw 6057

Minnie L. Leddy

Jan. 10, 1907 Granted

Jan. 19, 1907 Record forwarded Dept

March 4, 1907 Decision of Commissioners reversed by Dept and schedules containing applicants names disapproved

3-1-09 Dept requests report

4-22-09 Report to Dept

6-2-09 Dept holds cases not analogous to Goldsby case and declines to take action looking to enrollment of applicants

6-16-09 Parties notified

Trans from 7-R217 Jan. 26, 1907

6057

WGP

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I.T., December 17, 1906.

R-217

In the matter of the application for the enrollment of  
JAMES M. W. LEDDY as an intermarried citizen of the Choctaw Nation.

James M. W. Leddy being sworn by Chas. B. Webster, Notary  
Public, and examined, testified as follows:

On behalf of Commissioner:

- Q What is your name?  
A James M. W. Leddy.  
Q Are you sometimes called Wilson Leddy?  
A Yes sir.  
Q What is your age?  
A 35 years.  
Q What is your postoffice address?  
A Marlow, Indian Territory.  
Q What is the name of your father?  
A My father was John W. Leddy.  
Q What was the name of your mother?  
A Miriam B. Leddy.  
Q Are you a white man?  
A Yes sir.  
Q You make no claim to Choctaw blood?  
A No sir.  
Q Are you married?  
A Yes sir.  
Q What is the name of your wife?  
A Minnie Lee Leddy.  
Q Who was the father of Minnie Lee Leddy?  
A Thomas J. O'Quinn.  
Q What was the name of her mother?  
A Mary B. O'Quinn.  
Q How old is Minnie Lee Leddy?  
A I believe she is 29; I won't be positive as to that age.  
Q You have been living in the Choctaw Nation ever since you married?  
A In the Chickasaw Nation. I haven't lived there all the time. I moved to Oklahoma, just across the line, in 1900 and moved back last Spring.  
Q When were you married to Minnie Lee Leddy?  
A I have the marriage license here. In 1898.

Witness presents marriage license and certificate of marriage  
showing he was married on January 3, 1898, to Minnie L. O'Quinn.

said marriage license being issued by the clerk of the United States Court in Indian Territory.

Q Were you ever married to Minnie Lee Teddy in accordance with the tribal laws of the Choctaw Nation?

A I was not.

Q The marriage which was performed in accordance with this license is the only one which has been solemnized between you and Minnie Lee Teddy?

A That is all.

Q You are living with her now?

A Yes sir.

Q Was she ever married before she married you?

A No sir.

Q You ever married before you married her?

A No sir.

(Witness excused)

- - - - -

I, May Hudson, state upon oath that as stenographer to the Commissioner to the Five Civilized Tribes I correctly recorded the testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof. (R. & O.S.)

May Hudson.

Subscribed and sworn to before me this 17th day of December, 1906.

Walter H. Chappell  
Notary Public

Marlow, Indian Territory, May 22nd., 1906.

Hon. E. A. Hitchcock,  
Secretary of the Interior,  
Washington, D.C.

Dear Sir:

Not knowing the true status of my claim for citizenship in the Choctaw Nation or tribe of Indians which has been pending for nearly ten years without having received any definite information from the powers that be would respectfully ask that you inform me as to the true status of my claim that I may proceed in an intelligent way in making a proper presentation to your office for final enrollment and etc.

Yours very truly,

(Signed) James M. W. Leddy.



BEFORE THE HONORABLE SECRETARY OF THE INTERIOR,  
THROUGH THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J. M. W. Leddy, for enrollment as a citizen by blood of the Choctaw Nation, as consolidated with the case of William C. Thompson, et al.

M O T I O N

Comes now, James M. W. Leddy, by his attorney, Chester Howe, and respectfully moves for a reconsideration of the decision in the above entitled cause, and, as grounds for same, alleges the following specifications of error:

FIRST: That James Leddy was enrolled as a member of said nation, with the family of Thomas J. O'Quinn, he having married a daughter of said Thomas J. O'Quinn, and that the same is shown by the record of the case (Page 193);

SECOND: That he filed formal application, as shown by the record (page 191);

THIRD: That, through inadvertence, no mention was made of this application in the decision rendered in said case;

AND HE, THEREFORE PRAYS: That said decision may be reconsidered, and his name may be added to the roll of Choctaw Indians by blood under the record heretofore made.

Respectfully submitted,  
(Signed) Chester Howe,  
Atty for applicant.

UNITED STATES OF AMERICA ) S. S.  
DISTRICT OF COLUMBIA. )

Personally appeared before me, the undersigned authority, Chester Howe, who being duly sworn according to law, on oath states:

That he has served a true and correct copy of the foregoing upon the attorneys of record for the Choctaw-Chickasaw Nation, Messrs. Mansfield, McMurray & Cornish, by forwarding same to their postoffice address, South McAlester, Indian Territory, by registered mail, registry receipt for which is hereunto attached; and that said motion is filed in good faith, and not for the purpose of delay.

(Signed) Chester Howe.

Subscribed and sworn to before me this 20th day of June, 1906.  
(Seal) (Signed) E. H. Parkins, Notary Public.  
(Registry receipt attached)

Endorsed as follows:

In the matter of the application of J. M. W. Leddy for enrollment as a citizen by blood of the Choctaw Nation, as consolidated with the case of William C. Thompson, et al.

M O T I O N.

CHESTER HOWE, Atty. for Appli.

Department of the Interior,  
Commissioner to the Five Civilized Tribes  
FILED Jun 22, 1906. Tams Bixby, Commissioner.



Indian Territory :  
:  
Southern District :

Before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory personally came and appeared Jame M. W. Leddy to me well known who after being by me duly sworn on his oath states, that he is 34 years old has resided in the Chickasaw Nation Indian Territory, for the past 21 years except for a short time he lived in Oklahoma Territory that he was married to Minnie Lee O'Quinn on the 3rd day of January 1895, myself and wife Minnie Lee were recognized and enrolled as citizens of the Choctaw Nation at Tuskahoma Indian Territory by the Choctaw revisory board on or about January 6 1897 that Solomen J. Homer the then National Secretary of the Choctaw Nation issued to Thomas J. O'Quin and Mary E. O'Quin (My Father and Mother in law) and their family a certificate of citizenship under the seal of the Choctaw Nation and that my name and that of my wife Minnie Lee were included in said certificate. We were then residents of the Chickasaw Nation Indian Territory, remaining there for a number of years when we found it to our financial interests to move to Oklahoma Territory where we remained for a time returning to the Chickasaw Nation Indian Territory, our home being there where we now live in the town of Malow, Indian Territory.

(Signed) James M. W. Leddy

Subscribed and sworn to before me this the 22 May 1906.

(Seal),

(Signed) Geo. T. Putty, Notary Public.

Endorsed as follows:

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
FILED May 23, 1906. Tams Bixby, Commissioner.

Indian Territory :  
:  
Southern District :

Before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory personally came and appeared Mary E. O'Quin to me well known who after being by me duly sworn on her oath states that she is 44 years old that she is the mother of Minnie Lee Leddy, now the wife of James M. W. Leddy who was a citizen of Marlow Chickasaw Nation Indian Territory when she moved to said town on the 2 day of February 1892, and that he had remained as a resident of said town of Marlow, since said date with the exception of the time when he found it both convenient and necessary to promote his financial interest in the way of making of a living move to Oklahoma Territory the said James M. W. Leddy was resident of Marlow, Indian Territory, when he married my daughter Minnie Lee on January 3, 1895, was a citizen of Marlow, when my daughter Minnie Lee now Leddy was recognized and enrolled as a citizen of the Choctaw Nation by blood on or about the 6 day of January 1897 when the said James M. W. Leddy was also enrolled as a citizen of said nation by intermarriage they have been residents of the said town of Marlow, ever since and are now residents of Marlow, with the exception as above stated as non-residents for a time in Oklahoma. Am reliably informed by an official of the land office at Ardmore, I.T. he having access to the Citizenship rolls of the Choctaw Nation that the names of James M. W. Leddy and Minnie Lee Leddy nee O'Quin were duly inscribed on the citizenship rolls of the Choctaw Nation that both of their names were incerted in a certificate of citizenship issued by Solomon J. Homer then National Secretary of the Choctaw Nation said certificate of citizenship having been issued to me and to my family and bearing date on or about January 6 1897.

(Signed) Mary E. Oquin

Subscribed and sworn to before me this the 22 day of May 1906.

(Seal)

(Signed) Geo. T. Putty, Notary Public.

7-R-725

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment  
of FRANKLIN M. HORTON, et al, as citizens of the Choctaw Nation.

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D E C I S I O N .

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It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultay Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultay Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children John F. Harten, Rachel S. Harten, James W. Harten, Mary M. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

3.

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Herton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 13113-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,



Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation, At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Renville, born August 17, 1904; Clara May Renville, born March 25, 1900, minor children of J. N. Renville and Maud Renville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John n. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maultsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton

James William Harton,  
 John F. Harton  
 Susie Harton,  
 Narcissa Ella Thompson, now percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn, and  
 Nannie Vaughn,

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants as follows:

John T. O'Quinn (as T. M. O'Quinn)	Opposite No. 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531



Charles S. Thompson (as Charles Thompson)	Opposite No. 12532
John M. Thompson (as Jno. M. Thompson)	12533
John Henry Darken (as Jno. Henry Darken)	3626
Charles B. Darken, Jr. (as Charles B. Darken)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maulsey Loley (as Maulsey Lawley)	8348
Mattie Horton	5993
Rachel Hunt (as Rachel S. Horton)	5994
John Horton (as Johnie Horton)	5995
James Horton (as Jimmie Horton)	5996
Mary M. Horton	5997
Narcissa Ella Percival (as Narcissus Percivill)	10554
Jesse Percival (as Jesse Percivill)	10555
Taylor Percival (as Taylor Percivill)	10556
Forrest Percival (as Forrest Percivill)	10557
Katie Percival (as Kate Percivill)	10558
Rebecca Percival (as Rebecca Percivill)	10559
Nannie Vaughan (as Nannie Vaughn)	12631
Hattie Vaughan (as Hattie Vaughn)	12632
Callie Vaughan (as Callie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William H. McCoy	9507
Buford T. McCoy	9508
Maudie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September, 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under the act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5444-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census Roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he stated that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906 (I.T.D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John n. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Roby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

Tamr Bixby.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

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D.O.

CAW

DEPARTMENT OF THE INTERIOR,  
WASHINGTON/

J.W.H.  
J.V.H.  
W.C.P.  
F.V.L.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 15, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cheekaws by Blood.

Roll No.

16103	Klimbeth Allen.
16112	George A. Bumgarner.
16110	Lentitia Crutchfield.
16106	Everett Crutchfield



16111	George W. Crutchfield.
16108	Ida Crutchfield.
16107	Ira Crutchfield.
16108	Levinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1907 (File 8-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bungarner, Josephine Laflere Long and Jake Laflere Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department



finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Grutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

D 294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental  
letter of March 1, 1909, rel-  
ative to Franklin M. Harton  
et al. whose names were on  
schedules which were disapproved by the  
Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of  
March 1, 1909 (File 8-51) in which reports were requested as  
to certain persons whose enrollment was disapproved by the  
Secretary of the Interior, and at whose numbers in the printed  
rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the  
matters referred to in Departmental letter above named and  
I have the honor to state that the case of Franklin M. Harton,  
et al. comes within the class described, and to report therein  
as follows:

It appears from the records in the possession of this  
office that original application was filed with the Commission  
to the Five Civilized Tribes on September 9, 1896, under the  
provisions of the Act of Congress approved June 10, 1896 (29  
Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesses Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Hannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gordie McCoy and William

Secretary 3.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultay Loley and Walter Welch, and Willie Loley, daughter of Maultay Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Woody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Nannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary 4.

Odelphus O'Quinn and Winnie L. Laddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Marcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Hattie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1908, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances W. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy M. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this



Secretary S.

family the name was spelled Harten while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harten and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Mannie Yeater, (formerly Vaughan) and her children, Sarah Jane Barker and her children, and John B. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I. T. D. 13766-1906) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1743-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary 6.

Indian Territory, of April 6, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 20, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 157) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marten, child of Franklin H. Marten and Martha Ann Marten; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marten; Martha May Marten, daughter of John F. Marten and his wife, Susie Marten; Narcissa Sadie Percival, daughter of William S. Percival and Narcissa Ella Percival; Thomas Foster, child of Fannie Foster, formerly Vaughan, and her husband, Lewis Foster;



Secretary 7.

Thomas Pembroke Renville, and Clara May Renville, children of J. N. Renville and Maud Renville, nee McCoy; Amina McCoy and May McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Woolley and James B. Woolley, children of Robert L. Woolley and his wife, Cordie Woolley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. M. O'Quinn), Winnie L. Liddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welsh (as Benjamin Welsh), Walter Welch, Maultsey Loley (as Maultsey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary M. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Tayler Percival (as Tayler Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary B.

Hannie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. E. Darden.

November 17, 1906 ( I T D 13807-1906) the Department requested an immediate report as to the status of the Cheetaw enrollment cases of John T. Thompson, et al., William M. McCoy, et al., Charles B. Darden, et al., Franklin M. Harten, et al., William E. Persival, et al., Hannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Cheetaw Nation was consolidated with the case of Franklin M. Harten, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 2.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 ( I T D 4223-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 25, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leady, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darden, Charles E. Darden Jr., Benjamin Oliver Welch, Walter Welch, Waulley J. Lawley, Willie Ray Lawley, Mattie Marton, John Marton, Rachel Marton, James Marton, Mary H. Marton, Nancy Ella Marton, Jessa Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Fannie Vaughan, Mattie Vaughan, Ollie Vaughan, Stella Vaughan, Roy Vaughan.

Secretary AG.

William M. McCoy, Buford T. McCoy, Mand Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Wary C. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Murtie E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa E. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1628, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Barton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 24, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William G. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William G. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 26, 1907 (Land 15812-1907) the Indian Office transmitted its report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William G. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080, 2715, 3000, 5918-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,  
Choctaw by marriage Numbers 1623 to 1625, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.



W R L

Land  
31748-1909  
J E D

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

G.R.

WASHINGTON,

Jan 7 1909

Enrollment case of  
Franklin M. Harton  
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John K. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hanks

Chief Clerk.

MCMeG-4  
1870



Land  
31748-1909  
J E D

Jun 1 1909

Enrollment case of Franklin  
M. Harten et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harten, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harten et al is not analogous to that of John E. Goldsby (11 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

HCMcC-27  
1561

R. G. Valentine  
Acting Commissioner.

June 2, 1909.

APPROVED:

Frank Pierce  
First Assistant Secretary.

Choctaw 6057.

Muskogee, Oklahoma, June 2, 1909.

Mrs. Minnie L. Ledy,  
Marlow, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John B. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Choctaw 6058

John T. Thompson

6058

March 1, 1909 Dept requests report

4-22-09 Report to Dept

6-2-09 Dept holds case is not analogous  
to Goldsby case and declines to take  
action looking to enrollment of  
applicants

6-16-09 Parties notified

Trans from T.R. 685 1-26-07

1-10-07 Granted

1-19-07 Record forwarded Dept

3-4-07 Decision of Commissioner reversed  
by Dept and schedules containing names  
of applicants disapproved

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Colbert, I. T., June 21, 1900.

In the matter of the application of John T. Thompson et al  
for enrollment as a Choctaw by blood; being sworn and examined by  
As ing Chairman Bixby he testifies as follows:

- Q What is your name? A John T. Thompson.  
Q What is your age? A Thirty-five.  
Q What is your post-office? A Marlow, I. T.  
Q How long have you lived in the Indian Territory? A Ten years  
Q Been living in the Choctaw Nation all the time during the past  
three years? A Been living in the Chickasaw Nation.  
Q Have you been living there for the past three years continuous-  
ly, have you? A Yes sir.  
Q Where did you live before you came to the Territory? A I  
lived in Texas.  
Q How many years had you lived in Texas? A All my life.  
Q You were born there? A Yes sir.  
Q What is your father's name? A John T. Thompson.  
Q Is he living? A No sir.  
Q Was he a Choctaw Indian? A Yes sir.  
Q What proportion of Choctaw blood did he claim to have? A  
One-eighth I think, or one-fourth.  
Q Was his name ever on the Choctaw rolls of the Choctaw Nation?  
A No sir.  
Q Was he ever recognized by the Tribal authorities as a Choctaw  
Indian? A No sir.  
Q What is your mother's name? A Mary Jane Thompson.  
Q Is she living? A Yes sir.  
Q Is she a Choctaw or a white woman? A White woman.  
Q What proportion of Choctaw blood do you claim to have? A  
On my grandfather's side I claim one-sixteenth, and my grandfather  
married a cousin, they was both Choctaws, but I don't know what  
part she claimed.  
Q You are making application for yourself and your children as  
Choctaws by blood? A Yes sir.  
Q Has your name ever appeared upon the Choctaw Tribal rolls?  
A Yes sir, I guess so; I put my application in and got a certifi-  
cate from the Choctaw Council.  
Q When did you put your application in? A In November I  
think, 1896.  
Q What action did the Choctaw Council take in your case? A They  
enrolled me and sent me a certificate through the mail.  
Q The Council did? A The Revisory Board.  
Q You don't claim that the council ever admitted you to citi-  
zenship? A No sir.  
Q Did you apply to the Dawes Commission in the year 1896? A  
No sir.  
Q Did your case ever get in the United States Courts? A  
No sir.  
Q You are claiming that your wife is an intermarried citizen of  
the Choctaw Nation? A Yes sir.  
Q Has she ever been enrolled by the Tribal authorities?  
A Yes sir.  
Q Her application was made at the same time that yours was to the  
Revisory Board of the Choctaw Nation? A Yes sir.  
Q She wasn't admitted to citizenship by the Council itself was  
she? A No sir, by the Revisory Board.  
Q What is your wife's name? A Katie.  
Q How old is she? A She is twenty-eight.  
Q Do you know the name of her father? A Yes sir, Charles  
Calhoun.  
Q Is he living? A Yessir.

John C. Thompson et al #2

Q What is the name of her mother? A Frances Calhoun.  
Q Is she living? A Yes sir.  
Q Your wife is a white woman? A Yes sir.  
Q Did she ever claim to be an Indian? A No sir.  
Q Under what law were you married? A I was married in Texas under the Texas law.  
Q When? A In 1888, I believe; or 1887.  
Q Do you wish to offer your marriage license and certificate in evidence? A I haven't any; ~~I guess I could write back I guess to the County Seat probably and get them.~~

You will be permitted to file your marriage license and certificate or a certified copy of the same, if furnished to the Commission within a reasonable time.

Q What are the names and ages of your children under twenty-one and unmarried? A Mary Frances, 12; Charley Stanley, 9; William Brown, eight; John Noody, six.  
Q Is there any additional statement that you would like to make at this time in regard to your case? A No sir, I believe not.  
Q Have you got any papers that you would like to file?  
A Yes sir.

Note: Affidavit of Henry N. Perkin introduced in evidence, marked Exhibit "A" and made a part of the record.

Affidavit of Levinia Franklin introduced in evidence, marked Exhibit "B" and made a part of the record; certified copy of the proceedings of the Revisory Board of the Choctaw Nation, dated January 6th, 1897, introduced in evidence, marked Exhibit "C" and made a part of the record; Affidavit of John C. Thompson, introduced in evidence, marked Exhibit "D" and made a part of the record.

Decision withheld.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 5 day of July 1900.

  
Acting Chairman.

Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasha, I.T. October 15, 1902.

Choctaw R-686.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of John T. Thompson for himself and his four minor children, Mary F., Charles S., William B., and John F. Thompson and for the enrollment of his wife Katie Thompson as a citizen by intermarriage of the Choctaw Nation.

John T. Thompson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John T. Thompson.  
Q How old are you? A Thirty-seven years old.  
Q What is your father's name? A John T.  
Q You are the identical John T. Thompson who on June 21, 1900, made application to this Commission to be enrolled as a citizen of the Choctaw Nation? A I reckon so.  
Q You did make an application at that time? A Yes, sir.  
Q You claim as a citizen y blood of the Choctaw Nation? A Yes, sir.  
Q You claim for your four children as your descendants? A Yes, sir.  
Q You claim for your wife as an intermarried citizen by reason of her marriage to you? A Yes, sir.  
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I have never drawn any annuity.  
Q How long have you and this family resided in the Choctaw Nation? A We have been here thirteen years.  
Q Have you maintained a continuous residence here for the past thirteen years? A Yes, sir.  
Q Where did you live before that? A I lived in Texas.  
Q When you first came to the Choctaw-Chickasaw country did you attempt to obtain admission into the Choctaw tribe? A No, sir; a few years after.  
Q What procedure did you take? A I made application to the Indian Council.  
Q When was that? A That was in ninety-six I believe.  
Q What action did the council take? A They enrolled me.  
Q What time in '96 was that? A I think it was in September they met.  
Q That was when you made your application? A I made my application in June.  
Q Have you got the act of admission from the Choctaw Council? A Yes; I turned it over to the Commission at Colbert.  
Q Were you ever enrolled before you were enrolled then? A No, sir.  
Q Never drawn any money? A No, sir.  
Q How did you procure this enrollment that you speak of in 1896? A I had evidence to show that my ancestors was on the rolls, the old rolls.  
Q Never had in any manner, prior to that time, been recognized or considered by the tribe as a member? A No, sir.  
Q Did you make that application to the Council yourself? A Yes, sir.

Choctaw R-685---2

- Q Went there personally? A Yes, sir.  
Q About when was that? A It was in June, I think it was.  
Q Where did you go? A To Atoka.  
Q The Council in session at Atoka? A Yes, sir.  
Q How long did you stay there? A I stayed there a week I think.  
Q How many members composed that Council? A I think there was five-----I don't know.  
Q Did you have any trouble in having your rights recognized? A No, sir; not a particle of trouble.  
Q Did they require any payment of money? A No, sir.  
Q Did you pay anybody anything? A No, sir;---I paid my witnesses way.  
Q To where? A To Atoka.  
Q That was in '96 you say? A Yes; I think in '96.  
Q You are sure of that? A I would not be sure; but it is as well as I recollect. I could be mistaken.  
Q Did you apply to the Dawes Commission in '96? A No, sir.  
Q You know anybody that did? A No, sir; I don't know that I do.  
Q You remember some people making their application to the Dawes Commission? A I did but not until after that.  
Q Did you make that application after you heard that? A No, sir, before.  
Q Why did you not make application to the Dawes Commission? A I did not know that it was necessary.  
Q How did you know that it was necessary to make it to the Choctaw Council? A They had always enrolled people when they found them entitled.  
Q Why did you not try to become enrolled before that? A I had just found out that my ancestors were on the rolls.  
Q How did you find that out? A I had been told by several parties that Archibald Thompson and Margaret McCoy, his mother, were on the rolls.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above and foregoing cause at Chickasha, Indian Territory, on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 23 day of October 1902.

*G. Rosenwinkel*  
*C. S. Hamner*

Notary Public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John T. Thompson for the enrollment of himself and children as citizens by blood of the Choctaw nation, and for the enrollment of his wife as an intermarried citizen of the Choctaw nation.

-----O-----

The applicant, John T. Thompson, appeared before the Commission at Colbert, Indian Territory, June 21, 1900, and there made application for the enrollment of himself and children, Mary F., Charles S. Wm. B., and John M. Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw nation.

It appears from the evidence in this case, that the names of the applicants have never been on any of the rolls of the Choctaw nation; and that the applicants have never been admitted to citizenship in the Choctaw nation by either the legally constituted authorities of the Choctaw nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

It also appears from the evidence that Katie Thompson, wife of the applicant, John T. Thompson, was never married to a recognized citizen of the Choctaw Nation under the Choctaw Law as required by the laws of the Choctaw Nation.

The application of John T. Thompson for the enrollment of himself and children, Mary F., Charles S. Wm. B., and John M. Thompson, as citizens by blood of the Choctaw nation, and for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw nation, is therefore hereby refused.

BY THE COMMISSION



Acting Chairman.

Muskogee, Indian Territory, Oct 1, 1900.



Choctaw R-685.

Muskogee, Indian Territory, March 8, 1902.

In the matter of the application of  
John T. Thompson, Mary Jane Thompson,  
his wife, Mary Frances Thompson,  
Charley Stanley Thompson, William  
Brown Thompson and John Moody Thompson,  
their minor children, for enrollment  
as citizens of the Choctaw Nation.

John T. Thompson,

Marlow, Indian Territory.

You are hereby notified that you will be allowed until  
March 19, 1902, to submit to this Commission an affidavit, corroborated by two witnesses, showing that yourself, your wife, and children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you, your wife and your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors such Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

712685

COMM.

RECEIVED

NOV 6 1900

*[Handwritten signature]*

15

Marlow, I. T., November 1, 1900.

To the Commission to the Five  
Civilized Tribes at Muskogee, I. T.

Gentlemen:-

Please transmit to the Secretary of the Interior, for his consideration, the record and all papers in the case of my application for identification and enrollment of myself and family as Mississippi Choctaws and members of the Choctaw Tribe of Indians in the Indian Territory.

Yours truly,

John D. Thompson

Sheet 1. - 1011.

In the presence of the President  
of the American Union, of N.Y.,  
as called by the Executive  
Committee.

Sheet 2. - 1012. of  
Sheet 1. and 1013. of 1014's

FEB 1

CHAS. M. N.

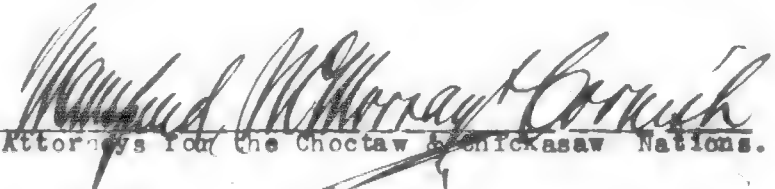
BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John T. Thompson and his minor children, Mary F. Charles S., Wm. B., and John M. Thompson, as citizens by blood, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage, of the Choctaw Nation, Choctaw Field No. R-685.

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We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John T. Thompson for the enrollment of himself and children as citizens by blood of the Choctaw nation, and for the enrollment of his wife as an intermarried citizen of the Choctaw nation.

-----O-----

The applicant, John T. Thompson, appeared before the Commission at Colbert, Indian Territory, June 21, 1900, and there made application for the enrollment of himself and children, Mary F., Charles S. Wm. B., and John M. Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw nation.

It appears from the evidence in this case, that the names of the applicants have never been on any of the rolls of the Choctaw Nation; and that the applicants have never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

It also appears from the evidence that Katie Thompson, wife of the applicant, John T. Thompson, was never married to a recognized citizen of the Choctaw Nation under the Choctaw Law as required by the laws of the Choctaw Nation.

The application of John T. Thompson for the enrollment of himself and children, Mary F., Charles S. Wm. B., and John M. Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw nation, is therefore hereby refused.

BY THE COMMISSION



Acting Chairman.

Muskogee, Indian Territory, Oct. 1., 1900.

Choctaw R-685.

Muskogee, Indian Territory, March 8, 1902.

In the matter of the application of )  
John T. Thompson, Mary Jane Thomp- )  
son, his wife, Mary Frances Thompson, )  
Charley Stanley Thompson, William )  
Brown Thompson and John Moody Thomp- )  
son, their minor children, for enroll- )  
ment as citizens of the Choctaw Nation. )

John T. Thompson,

Marlow, Indian Territory.

You are hereby notified that you will be allowed until March 19, 1902, to submit to this Commission an affidavit, corroborated by two witnesses, showing that yourself, your wife and children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the

J. T. T. 2

corroborating witnesses, and must set forth the fact that you, your wife and your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.



Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasha, I.T. October 15, 1902.

Choctaw R-685.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of John T. Thompson for himself and his four minor children, Mary F., Charles S., William B., and John F. Thompson and for the enrollment of his wife Katie Thompson as a citizen by intermarriage of the Choctaw Nation.

John T. Thompson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John T. Thompson.  
Q How old are you? A Thirty-seven years old.  
Q What is your father's name? A John T.  
Q You are the identical John T. Thompson who on June 21, 1900, made application to this Commission to be enrolled as a citizen of the Choctaw Nation? A I reckon so.  
Q You did make an application at that time? A Yes, sir.  
Q You claim as a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q You claim for your four children as your descendants? A Yes, sir.  
Q You claim for your wife as an intermarried citizen by reason of her marriage to you? A Yes, sir.  
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I have never drawn any annuity.  
Q How long have you and this family resided in the Choctaw Nation? A We have been here thirteen years.  
Q Have you maintained a continuous residence here for the past thirteen years? A Yes, sir.  
Q Where did you live before that? A I lived in Texas.  
Q When you first came to the Choctaw-Chickasaw country did you attempt to obtain admission into the Choctaw tribe? A No, sir; a few years after.  
Q What procedure did you take? A I made application to the Indian Council.  
Q When was that? A That was in ninety-six I believe.  
Q What action did the council take? A They enrolled me.  
Q What time in '96 was that? A I think it was in September they met.  
Q That was when you made your application? A I made my application in June.  
Q Have you got the act of admission from the Choctaw Council? A Yes; I turned it over to the Commission at Colbert.  
Q Were you ever enrolled before you were enrolled then? A No, sir.  
Q Never drawn any money? A No, sir.  
Q How did you procure this enrollment that you speak of in 1896? A I had evidence to show that my ancestors was on the rolls, the old rolls.  
Q Never had, in any manner, prior to that time, been recognized or considered by the tribe as a member? A No, sir.  
Q Did you make that application to the Council yourself? A Yes, at

Choctaw R-685---2

- Q Went there personally? A Yes, sir.  
Q About when was that? A It was in June, I think it was.  
Q Where did you go? A To Atoka.  
Q The Council in session at Atoka? A Yes, sir.  
Q How long did you stay there? A I stayed there a week I think.  
Q How many members composed that Council? A I think there was five-----I don't know.  
Q Did you have any trouble in having your rights recognized? A No, sir; not a particle of trouble.  
Q Did they require any payment of money? A No, sir.  
Q Did you pay anybody anything? A No, sir;---I paid my witnesses way.  
Q To where? A To Atoka.  
Q That was in '96 you say? A Yes; I think in '96.  
Q You are sure of that? A I would not be sure; but it is as well as I recollect. I could be mistaken.  
Q Did you apply to the Dawes Commission in '96? A No, sir.  
Q You know anybody that did? A No, sir; I don't know that I do.  
Q You remember some people making their application to the Dawes Commission? A I did but not until after that.  
Q Did you make that application after you heard that? A No, sir, before.  
Q Why did you not make application to the Dawes Commission? A I did not know that it was necessary.  
Q How did you know that it was necessary to make it to the Choctaw Council? A They had always enrolled people when they found them entitled.  
Q Why did you not try to become enrolled before that? A I had just found out that my ancestors were on the rolls.  
Q How did you find that out? A I had been told by several parties that Archibald Thompson and Margaret McCoy, his mother, were on the rolls.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above and foregoing cause at Chickasha, Indian Territory, on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 23 day of October 1902.

*C. S. Hamer*  
Notary Public.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment  
of FRANKLIN M. HARTON, et al, as citizens of the Choctaw Nation.

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D E C I S I O N .

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It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Laddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children John F. Harten, Rachel S. Harten, James W. Harten, Mary M. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

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in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Hartton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,



Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Wannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

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On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Renville, born August 17, 1904; Clara May Renville, born March 25, 1900, minor children of J. N. Renville and Maud Renville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John W. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maultsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton

James William Harton,  
 John F. Harton  
 Susie Harton,  
 Narcissa Ella Thompson, now percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn, and  
 Nannie Vaughn,

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1893, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531



Charles S. Thompson (as Charles Thompson)	Opposite No.	12532
John M. Thompson (as Jno. M. Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maulsey Loley (as Maulsey Lawley)		6348
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Percival (as Narcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Taylor Percival (as Taylor Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14486, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September, 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under the act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll 0". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5744-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census Roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he stated that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906 (I.T.D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, ~~Emma~~ Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1906, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Reby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

Tams Bixby.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

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COPY.

Muskogee, Indian Territory, January 10, 1907.

John T. Thompson,  
Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, granting the application for the enrollment of yourself, and children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson as citizens by blood of the Choctaw Nation, and the application for the enrollment of your wife, Katie Thompson, as a citizen by intermarriage of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*Tame Bixby*  
Commissioner.

Registered.  
7-R-685

D.O.M.  
GAW

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Chectaws by Blood.

Roll No.

16103	Elizabeth Allen.
16112	George A. Bungamer.
16110	Oleutitia Grutchfield.
16106	Everett Grutchfield



16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Isa Crutchfield.
16106	Levinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Hittor.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, exposite the number 15551. Ida Crutchfield's name appears exposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Grutchfield family on the roll approved May 21, 1904, the names of Ariella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15860 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Grutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bungarner, Josephine Laflere Long and Jake Laflere Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls, and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Gratchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject: —

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsle Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesse Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford F. McCoy, Maud McCoy, Cordie McCoy and William

Secretary B.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Chectaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultay Loley and Walter Welch, and Willie Loley, daughter of Maultay Loley, as citizens by blood of the Chectaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Chectaw Nation.

Hannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Chectaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie



Secretary 4.

Odolphus O'Quinn and Winnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Mammie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Ray Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1906, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

Secretary 5.

family the name was spelled Horton while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harten and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Marie Foster, (formerly Vaughan) and her children, Sarah Jane Barker and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I T D 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

**Secretary 6.**

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Harton, child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Bertha May Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Marnie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. W. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Woolley and James B. Woolley, children of Robert L. Woolley and his wife, Cordie Woolley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Minnie L. Liddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary T. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Haultay Loley (as Haultay Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary H. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Baughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary S. 1

Maudie McCoy, Gerdie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 ( I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Hannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1682-1907) the Department requested to be advised at once the status of this case. February 12, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T B 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Winnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Ferrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

Secretary 10.

William H. McCoy, Buford S. McCoy, Maud Reville, Cordie Weoley and William McCoy<sup>2</sup> as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Weoley, James B. Weoley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa S. Thompson and Marcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.



Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin W. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by F. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Louis West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6586-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080,2716,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907,, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,  
Choctaws by marriage Numbers 1623 to 1628, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in content cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AB

V R L

Land  
31748-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. G.R.  
Jun 7 1909

Enrollment case of  
Franklin M. Harten  
et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harten et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Banks

Chief Clerk.

MMcC-4

1870

Land  
32748-1909  
J E D

Jun 1 1909

Enrollment case of Franklin  
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-B) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John R. Gildsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine

Acting Commissioner.

NCHC-27

June 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

Muskogee, Oklahoma, June 16, 1909.

Mr. John T. Thompson,  
Marlow, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Cheetaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

COPY.

Muckogee, Indian Territory, November 7, 1900.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

The Commission is in receipt of your request of November 1st, to have the record and papers in the matter of the application for the enrollment of yourself and family as members of the Choctaw Tribe of Indians forwarded to the Secretary of the Interior for his consideration.

The same has been filed with the other papers in this case and the record so made will be transmitted to the Secretary of the Interior for his consideration when the applications of parties refused enrollment in the Choctaw Nation by this Commission are forwarded to the Secretary of the Interior for his approval.

Yours truly,

SIGNED *Tamie Bixby*

Acting Chairman.

2-B-680



COPY.

Mustang, Indian Territory, June 20, 1901.

Mr. C. F. Humphreys,  
Attorney at law,  
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be advised relative to the status of the case of Mary E. O'Quinn, also that of John T. Thompson, for enrollment as Mississippi Choctaws.

It is stated in your letter that you have been informed that these cases have been appealed to the Secretary of the Interior.

Replying to your letter the Commission has to inform you that it appears from the records that at South McAlester in September 1899 Thomas J. O'Quinn, appeared before the Commission and made application for the enrollment of himself and his wife, Mary E., and his son, John T. O'Quinn; his daughter Martha A. Holloway; his daughter Kinzie Luddy, his son, James W. O'Quinn; his daughter Dora E. O'Quinn; his son, Thomas T. O'Quinn; his daughter, Ora I. O'Quinn; his daughter-in-law, Mary O'Quinn; his son-in-law, Jesse L. Holloway; his son-in-law Nelson Luddy; his grand-sons, Jesse H., and Willie M. Holloway; his grand-son Roland Laphon, and his grand-daughter, Delpha O'Quinn, as citizens of the Choctaw Nation.

It appears that the names of Thomas I. O'Quinn, Mary E. O'Quinn, Martha A. Holloway, Minnie L. Luddy, James V. O'Quinn, Dora W. O'Quinn, and Ora I. O'Quinn, were found on the 1896 Census Roll of the Choctaw Nation, but the Commission, after an examination of the applications and consideration of the testimony at that time, found that such enrollment on the Choctaw Census roll of 1896 was without authority of law, and in pursuance of the power vested in the Commission by Act of Congress of June 20, 1898, said names were stricken from such tribal rolls of the Choctaw Nation, and the enrollment of these applicants by the Commission, as citizens of the Choctaw Nation, was refused.

Subsequently thereto, and on June 21, 1900, at Colbert, Ark., Mrs. Mary E. O'Quinn appeared before the Commission and made application for the enrollment of herself and children, James Walter, Dora Ethel, Thomas Mayfield, and Ora May O'Quinn, as citizens of the Choctaw Nation. At the time of this appearance of Mrs. O'Quinn, in addition to her oral testimony, there was offered in evidence a written application addressed to the Commissioner of Indian Affairs, and numerous affidavits in support of her claim for enrollment of herself and children as citizens of the Choctaw Nation.

The Commission, from a consideration of the testimony at the time of Mrs. O'Quinn's appearance, and documentary evidence offered by her in support of such application, found no evidence which would, in any manner, entitle these applicants to further recognition than was given them at the time of Mrs. O'Quinn's appearance.

at South McAlester in 1899, and that judgment would therefore stand against them, and they appear upon the records of the Commission as having been refused enrollment as citizens of the Choctaw Nation.

Under date of November 1, 1900, Mrs. Mary H. O'Quinn, made application to the Commission for the transmission to the Secretary of the Interior for his consideration, the record and all papers in the case of her application for identification and enrollment of herself and family as Mississippi Choctaws and members of the Choctaw Tribe of Indians in the Indian Territory. This request will be complied with and all papers in the case transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for his approval.

You are further informed that the records of the Commission show that on June 21, 1900, at Colbert, Indian Territory, John T. Thompson appeared before the Commission and made application for the enrollment of himself, his wife, Katie; his daughter, Mary T., and his sons, Marlon S., William W., and John T. Thompson, as citizens of the Choctaw Nation by blood.

After careful consideration of the testimony and evidence offered at that time, the Commission on October 1, 1900, rendered a decision refusing the application made by John T. Thompson, and his children, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw Nation, and upon that date transmitted a copy of the



decision of the Commission by John T. Thompson, Indian Territory.

Under date of November 1, 1907, Mr. Thompson forwarded a request to the Commission for the transmission to the Secretary of the Interior for his consideration, the record and all papers in the case of his application for identification and enrollment of himself and family as Chickasaw Indians, and members of the Choctaw Tribe of Indians in the Indian Territory.

This request will be complied with and the papers transmitted to the Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are forwarded to him for his consideration and approval.

Yours truly,

SIGNED

C. E. Thompson

Commissioner in Charge.

7-2-117

7-4-685

Choctaw R 686

COPY.

Muskogee, Indian Territory, June 4, 1902.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

The Commission has had before it for some time your letter of March 12, 1902, enclosing a certificate of Dr. R. L. Montgomery, relative to your illness and your inability to appear before the Commission within the time specified by our letter of March 8, 1902.

The Commission has held this case open for the introduction of such testimony as you might desire to submit and also for the purpose of the consideration of an application for the identification of yourself and your minor children as Mississippi Choctaws since the receipt of your letter.

No further action having been taken by you in regard thereto, the Commission will now consider this case closed and will render its decision relative to the rights to enrollment of yourself and family as citizens of the Choctaw Nation upon the record now made.

You will be furnished with a copy of such decision and also be notified of the forwarding of the record to the Secretary

J F T 2

of the Interior for his review.

The certificate of R. L. Montgomery enclosed in your letter of March 12, 1902, is returned you herewith.

Yours truly,

SIGNED *Tams Bixby*

Acting Chairman.

Enc Y 124

COPY.

Muskogee, Indian Territory, June 4, 1902.

U. G. Winn,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24, in which you desire to be informed if Mrs. Katie and E. Thompson have been enrolled as citizens of the Choctaw Tribe of Indians.

Replying to your communication you are informed that it appears from our records that at Colbert, Indian Territory, on June 21, 1900, John T. Thompson, 35 years of age, of Marlow, Indian Territory made personal application to this Commission for the enrollment of himself and his four minor children, Mary F., Charles S., Wm. B. and John M. Thompson as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Katie Thompson as a citizen by intermarriage of the Choctaw Nation.

While the names of these persons are found upon the 1896 census roll of the citizens of the Choctaw Nation it is contended by the legal representatives of the Nation that such tribal enrollment was without authority of law and that they are not entitled to recognition and enrollment by this Commission as citizens of that tribe.

There is filed with the other records in this case the certificate of A. N. Durant, Chairman of the Revisionary Board of



NOV 2

the Choctaw Nation under date of January 9, 1897 to the enrollment of these persons as citizens of the Choctaw Nation but it does not appear that they were ever prior to the action of that board recognized and enrolled by the tribal authorities of the Choctaw Nation or duly and lawfully admitted to citizenship by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

John T. Thompson was notified on March 8, 1902, that he would be allowed ten days from that date within which to submit an affidavit corroborated by two witnesses showing that he and his children claim a right to identification as Mississippi Choctaws under the provisions of the twenty-first section of the act of Congress of June 28, 1898.

This notice was for the purpose of protecting any rights that they might have as the descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated.

As the time granted for the submission of such affidavits has long since expired and no further action has been taken by these applicants, the Commission will now render its decision

U C W 3

as to their right to enrollment as citizens of the Choctaw Nation  
upon the record now made.

Yours truly,

SIGNED *Tamc Dixby*  
Acting Chairman.

7- R 885

COPY.

Muskogee, Indian Territory, September 29, 1902.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:-

The Commission is in receipt of your sworn application requesting that the depositions of John Keith, Sam Dobbs and George Gowan be taken to be read in evidence in your application for identification as a Mississippi Choctaw, whereat are attached direct interrogatories and proof of service of copies thereof on the attorneys for the Choctaw and Chickasaw Nations.

The records of the Commission fail to show that you have ever made a personal application for identification as a Mississippi Choctaw, but they do show that you have made an application for enrollment as a citizen of the Choctaw Nation by blood.

Section A of Rule 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, reads as follows:

"He must have made personal application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw."

Since you have not as yet made such application a commission to take depositions cannot be issued, and your application

John T. Thompson-- --- -----2

to have the depositions taken is herewith returned to you.

The act of Congress of July 1, 1902 (32 Stats. 641) provides "That the application of no person for identification as a Mississippi Choctaw shall be received by this Commission after six months subsequent to the final ratification of this agreement." This is part of an agreement entered into by and between the United States and the Choctaw and Chickasaw Nations and submitted to a vote of the citizens of said nations on September 25, 1902, for their ratification. As yet no official notification has been received of the ratification of said agreement, but in the event of its ratification it becomes effective as of September 25, 1902.

Yours truly,

SIGNED *Tamir Birby*

Acting Chairman

Enclosure  
G.H. 149

Choctaw R 685

COPY.

Muskogee, Indian Territory, January 21, 1903.

W. G. Winn,

Attorney at Law,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 29, 1902, asking as to the status of Katie and John T. Thompson.

In reply to your letter you are advised that it appears from our records that John T. Thompson is an applicant for the enrollment of himself and his family as citizens of the Choctaw Nation. No decision has yet been reached nor opinion rendered relative to their final rights to enrollment as such citizens of the Choctaw Nation, but it is probable that their case will be taken up for consideration some time within the near future.

Respectfully,

SIGNED

Wm. D. B. B. B.

Choctaw R-885

COPY.

Muskogee, Indian Territory, January 31, 1903.

John T. Thompson, M

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself, your wife, Katie Thompson, and your children, Mary F., Charles S., Wm. B. and John M. Thompson, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your applications.

Respectfully,

SIGNED

Acting Chairman.

Register.

7-R688

COPY.

Muskegee, Indian Territory, October 8, 1903.

John T. Thompson,  
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 17, asking that a decision be rendered in the matter of your application for the enrollment of yourself and your family as citizens of the Choctaw Nation.

In reply to your letter, you are informed it appears from our records that you are an applicant to this Commission for the enrollment of yourself, your children, Mary F., Charles S., William B. and John M. Thompson, as citizens by blood of the Choctaw Nation and for the enrollment of your wife, Katie Thompson, as an intermarried citizen of the Choctaw Nation, but your final right to such enrollment has not yet been determined.

The Commission is taking up for consideration the applications of persons for enrollment in the Choctaw Nation as rapidly as possible, and when a decision is reached in this case you will be notified of its action in the matter.

Respectfully,

SIGNED *Tame Bixby*

Chairman.



Choctaw R 685

COPY.

Muskogee, Indian Territory, February 10, 1904.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and minor children, Mary F., Charles S., Wm. B. and John M. Thompson as citizens by blood of the Choctaw Nation, and your wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles.*

Commissioner in Charge.

D.C. #32466

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR, YHE,  
Washington  
I.T.D. 5465-1905. June 26, 1905.

L R 8

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

It appears from the papers in the Choctaw enrollment case of William C. Thompson, et al., that a petition was filed with your Commission on June 21, 1900, for the identification of John T. Thompson (brother of Mary C. O'Quinn) as a Mississippi Choctaw. There is also among the papers Mr. Thompson's affidavit of September 21, 1899, showing that he claims the right to enrollment as a Choctaw. As these papers were a part of the record in the case prior to the expiration of the time limit within which applications might be made for the identification and enrollment of Choctaws, the Department sees no reason why Mr. Thompson's testimony, if taken, was not included in the record. If such testimony was not taken, there appears to be no reason why the course pursued in the matter of the application of Anna L. Dandy for the enrollment of her child Ocella Dandy, should not be followed. See departmental letter of October 3, 1904.

You are requested to inform the Department whether Mr. Thompson's testimony was taken, and if so, to forward the same.

-2-

Pending final determination of his citizenship rights you will of course take due care that no deed be issued to any one else for the improved lands held by Thompson and his family.

Respectfully,

B. A. HITCHCOCK,

Secretary.

D.C. #52466

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR, FHE.  
Washington  
I.T.D. 5465-1905. June 26, 1905.

L R S

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

It appears from the papers in the Choctaw enrollment case of William C. Thompson, et al., that a petition was filed with your Commission on June 21, 1900, for the identification of John T. Thompson (brother of Mary C. O'Quinn) as a Mississippi Choctaw. There is also among the papers Mr. Thompson's affidavit of September 21, 1899, showing that he claims the right to enrollment as a Choctaw. As these papers were a part of the record in the case prior to the expiration of the time limit within which applications might be made for the identification and enrollment of Choctaws, the Department sees no reason why Mr. Thompson's testimony, if taken, was not included in the record. If such testimony was not taken, there appears to be no reason why the course pursued in the matter of the application of Anna L. Dendy for the enrollment of her child Ocella Dendy, should not be followed. See departmental letter of October 3, 1904.

You are requested to inform the Department whether Mr. Thompson's testimony was taken, and if so, to forward the same.

-2-

Pending final determination of his citizenship rights you will of course take due care that no deed be issued to any one else for the improved lands held by Thompson and his family.

Respectfully,

M. A. HITCHCOCK,

Secretary.

COPY.

Muskogee, Indian Territory, September 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 26, 1906 (I T D 5465-1906), in which it is stated that it appears from the papers in the Choctaw enrollment case of William C. Thompson, et al., that a petition was filed with the Commission to the Five Civilized Tribes on June 21, 1900, for the identification of John T. Thompson (brother of Mary E. O'Quinn), as a Mississippi Choctaw, and that there is also among the papers Mr. Thompson's affidavit of September 21, 1899, showing that he claims the right to enrollment as a citizen of the Choctaw Nation.

The Department states that as these papers were a part of the record in the William C. Thompson case prior to the expiration of the time within which applications might be made for identification and enrollment of Choctaws, there is no apparent reason why Mr. Thompson's testimony, if taken, was not included in the record, and if such testimony was not taken there appears to be no reason why the course pursued in the matter of the application of Annie L. Dandy for the enrollment of her child Ocella Dandy, should not be followed.

In conclusion the Department requests to be informed whether Mr. Thompson's testimony was taken, and if so, to forward same, and directs that pending the final determination of his rights to citizenship due care be taken that no deed be issued to any one else for the lands held by Thompson and his family.

Reporting in this matter I have the honor to advise that on June 21, 1900, John T. Thompson personally appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, and made application for the enrollment of himself and his four minor children, Mary Frances, Charles Stanley, William Brown, and John Moody Thompson as citizens by blood of the Choctaw Nation, and also applied for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

John T. Thompson at that time filed certain papers consisting of the affidavits of Henry N. Perkin and Levinia Franklin, a certified copy of the certificate of A. R. Durant, Chairman of the Revisory Board of the Choctaw Nation, of January 6, 1897, and his own affidavit in support of his application for enrollment as a citizen of the Choctaw Nation. Undoubtedly the latter affidavit and the original petition of John T. Thompson were included by mistake in the record in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

At the time of the application the names of John T. Thompson and his four minor children, Mary Frances, Charles Stanley,



(3)

William Brown and John Moody Thompson, were identified upon the 1896 census roll of the citizens of the Choctaw Nation as numbers 12529, 12530, 12532, 12531 and 12533 respectively, and the name of his wife, Katie Thompson, was identified on said roll opposite No. 18126, enrolled thereon as a citizen by intermarriage.

Thompson testified that he had been living in the Indian Territory ten years prior to the date of the submission of his application and that in November, 1896, he made application to the Choctaw Council for the admission of himself and family as citizens of the Choctaw Nation. It appears from his testimony that the name of Thompson and the members of his family were placed upon the 1896 census roll of the citizens of the Choctaw Nation by a so-called Board of Commissioners appointed under an Act of the Choctaw National Council approved October 30, 1896.

The Commission to the Five Civilized Tribes being of the opinion at the time of the submission of the application that the enrollment of Thompson and the members of his family by the Board of Commissioners appointed under the Act of the Choctaw Council of October 30, 1896, was without authority of law and that such tribal recognition could be of no benefit to the applicants, notified John T. Thompson by registered mail on March 8, 1902, that he would be allowed until March 19, 1902, to make application for the identification of himself and his minor children as Mississippi Choctaws under the provisions of the Act of Congress approved

June 28, 1898 (30 Stats., 495). Mr. Thompson did not make such an application within the time prescribed, but on October 15, 1902, again appeared before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, for the purpose of testifying in reference to the right to enrollment of himself and family as citizens of the Choctaw Nation.

John T. Thompson did not at any time prior to March 25, 1903, make application to the Commission to the Five Civilized Tribes for the identification of himself and his children as Mississippi Choctaws and consequently the record in his case was not included in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

No decision has been rendered in reference to the right to enrollment of John T. Thompson, his wife and children, as the Commission to the Five Civilized Tribes was on April 21, 1905, directed by wire to suspend all enrollment and allotment proceedings affecting the applicants in the Choctaw enrollment case of William C. Thompson, et al., pending consideration of a motion for review of Departmental action in said case.

John T. Thompson is a full brother of Mary E. O'Quinn, the principal applicant in Mississippi Choctaw case No. 7124 which was consolidated with and made a part of the Mississippi Choctaw case of William C. Thompson, et al., and the facts in the application of

(5)

John T. Thompson for the enrollment of himself and family as citizens of the Choctaw Nation are identical with the facts in the case of Mary E. O'Quinn for the identification of herself and her four minor children as Mississippi Choctaws.

The Department on April 5, 1905 (3522-1904), in passing upon the rights of Mary E. O'Quinn and her children to identification as Mississippi Choctaws, and to enrollment as citizens of the Choctaw Nation, stated as follows:

"It further appears that Mrs. O'Quinn is the daughter of John T. Thompson, deceased, an alleged one-fourth blood Choctaw, by Mary Jane Kerr, a white woman. It is further claimed that John T. Thompson was the son of Archibald Thompson, and that the latter was the son of Henry Thompson, a white man, by a full blood Choctaw woman named Margaret McCoy. It is here noted that the Archibald Thompson referred to was the uncle of the said William C. Thompson, and that Henry and Margaret Thompson were his grandparents. The testimony and affidavits submitted relative to these ancestors tend, in a degree, to show that certain of them attempted to comply with article 14 of the treaty of September 27, 1830. This testimony, however, is insufficient to warrant the conclusion that such an attempt was made, particularly in view of the fact that the records of the Indian Office fail to furnish any information corroborative of such attempted compliance. The identification of the applicants by reason of their descent from said ancestors was therefore properly denied.

It seems that the father of the principal applicant resided in Mississippi, and it is stated by one witness that he never lived in the Indian Territory. In fact, the evidence utterly fails to show that any one of the ancestors of these applicants ever removed, within a reasonable time after the treaty of 1830, to the Choctaw Nation and identified himself, politically or otherwise, with its people. This finding of facts being correct, it follows that Mrs. O'Quinn was born outside of the Choctaw Nation, and is non-citizen thereof. Under the circumstances, in order to acquire the status of a Choctaw citizen it was incumbent upon her to be admitted or readmitted to Choctaw citizenship. That she has been so admitted or readmitted does not appear from the record, her is

it so alleged. Accordingly, although her name is borne upon the tribal roll, as well as the names of her husband and children, all of whom now reside therein, such enrollment was not a lawful one. Their names should therefore be eliminated from the tribal rolls of the Choctaw Nation."

This statement is equally applicable to John T. Thompson and his family, and if, as it has been held by the Department, the enrollment of Mary E. O'Quinn and her children upon the 1896 Choctaw census roll is not sufficient to warrant their enrollment as citizens of the Choctaw Nation, it does not appear that such enrollment of John T. Thompson and the members of his family would be of any benefit to the latter.

The record in the matter of the application for the enrollment of John T. Thompson and the members of his family as citizens of the Choctaw Nation was not consolidated with and made a part of the record in the Mississippi Choctaw case of William C. Thompson, et al., as a procedure of this character was prohibited by Departmental letter of November 10, 1902 (I T D 4871-1902), in reference to the Mississippi Choctaw case of John Scarborough, et al., in which case the Commission to the Five Civilized Tribes included the applications of Tom M. Tuck, William H. Hunter, et al., and Joseph C. Hunter, et al., applicants for enrollment as citizens by blood of the Choctaw Nation.

The Department in its letter of November 10, 1902, in reference to the consolidation of the above applications with the Mississippi Choctaw case of John Scarborough, et al., advised this

office as follows:

"That the decision rendered in their cases was based only upon their applications for enrollment as citizens by blood of the Choctaw Nation and that further hearing would be afforded them if they so desire to present their claims for identification as Mississippi Choctaws."

Seemingly by Departmental letter of April 5, 1905 (I T D 3622-1904), the rights of Mary E. O'Quinn and her minor children to identification as Mississippi Choctaws were finally adversely determined, and that the William C. Thompson case in so far as it refers to Mary E. O'Quinn and her children, is not now under consideration by the Department.

I have the honor to transmit herewith for the information of the Department a copy of the testimony of John T. Thompson taken at Colbert, Indian Territory, June 21, 1900, the affidavits filed by him at that time, and his testimony at Chickasha, Indian Territory, October 15, 1902.

There is apparently no reason why action should further be suspended upon the application of John T. Thompson for the enrollment of himself and family as citizens of the Choctaw Nation if the Department's finding of April 5, 1905, in reference to Mary E. O'Quinn and her children is adhered to.

I have, therefore, the honor to respectfully recommend that I be authorized to proceed with the adjudication of the case

(6)

in conformity with the views expressed by the Department in its  
letter of April 8, 1935.

Respectfully,

*Tame Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

KCM 50/100

COPY

J.W.H.

DEPARTMENT OF THE INTERIOR,

FHE

50246-1905.  
I.T.D. 13766-1905.  
LRS

WASHINGTON

October 31, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On September 28, 1905, in compliance with Departmental letter of June 26, 1905, you rendered a report in the matter of the application of John T. Thompson for identification as a Mississippi Choctaw. With your report you inclosed a copy of the testimony in said case, and certain affidavits filed by Mr. Thompson, and stated that there is now apparently no reason why action should be further suspended upon his application, if the Department's finding of April 5, 1905, in reference to Mary E. O'Quinn and her children, should be adhered to. Accordingly, you recommend that you be authorized to proceed with the adjudication of the Thompson case in conformity with the views expressed in said letter of April 5, 1905.

In Departmental letter of April 24, 1905, you were directed, inasmuch as a motion for review of the Department's decision in the case of William C. Thompson was then pending before it, to protect the rights of the applicants in the case of Mary E. O'Quinn et al., to their improved holdings, until said motion for review respecting them should be passed upon.



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As John T. Thompson is mentioned in the William C. Thompson record, and as his case is apparently analogous to that of Mary E. O'Quinn, action concerning his enrollment will be deferred until final action in the William C. Thompson case.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the  
Commissioner of Indian Affairs.

COPY.

Muskogee, Indian Territory, September 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 26, 1905 (I T D 5465-1905), in which it is stated that it appears from the papers in the Choctaw enrollment case of William C. Thompson, et al., that a petition was filed with the Commission to the Five Civilized Tribes on June 21, 1900, for the identification of John T. Thompson (brother of Mary E. O'Quinn), as a Mississippi Choctaw, and that there is also among the papers Mr. Thompson's affidavit of September 21, 1899, showing that he claims the right to enrollment as a citizen of the Choctaw Nation.

The Department states that as these papers were a part of the record in the William C. Thompson case prior to the expiration of the time within which applications might be made for identification and enrollment of Choctaws, there is no apparent reason why Mr. Thompson's testimony, if taken, was not included in the record, and if such testimony was not taken there appears to be no reason why the course pursued in the matter of the application of Annie L. Dandy for the enrollment of her child Ocella Dandy, should not be followed.

(2)

In conclusion the Department requests to be informed whether Mr. Thompson's testimony was taken, and if so, to forward same, and directs that pending the final determination of his rights to citizenship due care be taken that no deed be issued to any one else for the lands held by Thompson and his family.

Reporting in this matter I have the honor to advise that on June 21, 1900, John T. Thompson personally appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, and made application for the enrollment of himself and his four minor children, Mary Frances, Charles Stanley, William Brown, and John Woody Thompson as citizens by blood of the Choctaw Nation, and also applied for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

John T. Thompson at that time filed certain papers consisting of the affidavits of Henry M. Portin and Levinia Franklin, a certified copy of the certificate of A. R. Durant, Chairman of the Revisory Board of the Choctaw Nation, of January 6, 1897, and his own affidavit in support of his application for enrollment as a citizen of the Choctaw Nation. Undoubtedly the latter affidavit and the original petition of John T. Thompson were included by mistake in the record in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

At the time of the application the names of John T. Thompson and his four minor children, Mary Frances, Charles Stanley,

William Brown and John Moody Thompson, were identified upon the 1896 census roll of the citizens of the Choctaw Nation as numbers 12529, 12530, 12532, 12531 and 12533 respectively, and the name of his wife, Katie Thompson, was identified on said roll opposite No. 15126, enrolled thereon as a citizen by intermarriage.

Thompson testified that he had been living in the Indian Territory ten years prior to the date of the submission of his application and that in November, 1896, he made application to the Choctaw Council for the admission of himself and family as citizens of the Choctaw Nation. It appears from his testimony that the name of Thompson and the members of his family were placed upon the 1896 census roll of the citizens of the Choctaw Nation by a so-called Board of Commissioners appointed under an Act of the Choctaw National Council approved October 30, 1896.

The Commission to the Five Civilized Tribes being of the opinion at the time of the submission of the application that the enrollment of Thompson and the members of his family by the Board of Commissioners appointed under the Act of the Choctaw Council of October 30, 1896, was without authority of law and that such tribal recognition could be of no benefit to the applicants, notified John T. Thompson by registered mail on March 8, 1902, that he would be allowed until March 19, 1902, to make application for the identification of himself and his minor children as Mississippi Choctaws under the provisions of the Act of Congress approved

(4)

June 28, 1898 (30 Stats., 495). Mr. Thompson did not make such an application within the time prescribed, but on October 15, 1902, again appeared before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, for the purpose of testifying in reference to the right to enrollment of himself and family as citizens of the Choctaw Nation.

John T. Thompson did not at any time prior to March 25, 1903, make application to the Commission to the Five Civilized Tribes for the identification of himself and his children as Mississippi Choctaws and consequently the record in his case was not included in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

No decision has been rendered in reference to the right to enrollment of John T. Thompson, his wife and children, as the Commission to the Five Civilized Tribes was on April 21, 1905, directed by wire to suspend all enrollment and allotment proceedings affecting the applicants in the Choctaw enrollment case of William C. Thompson, et al., pending consideration of a motion for review of Departmental action in said case.

John T. Thompson is full brother of Mary E. O'Quinn, the principal applicant in Mississippi Choctaw case No. 7124 which was consolidated with and made a part of the Mississippi Choctaw case of William C. Thompson, et al., and the facts in the application of

(5)

John T. Thompson for the enrollment of himself and family as citizens of the Choctaw Nation are identical with the facts in the case of Mary E. O'Quinn for the identification of herself and her four minor children as Mississippi Choctaws.

The Department on April 8, 1905 (3622-1904), in passing upon the rights of Mary E. O'Quinn and her children to identification as Mississippi Choctaws, and to enrollment as citizens of the Choctaw Nation, stated as follows:

"It further appears that Mrs. O'Quinn is the daughter of John T. Thompson, deceased, an alleged one-fourth blood Choctaw, by Mary Jane Kerr, a white woman. It is further claimed that John T. Thompson was the son of Archibald Thompson, and that the latter was the son of Henry Thompson, a white man, by a full blood Choctaw woman named Margaret McCoy. It is here noted that the Archibald Thompson referred to was the uncle of the said William C. Thompson, and that Henry and Margaret Thompson were his grandparents. The testimony and affidavits submitted relative to these ancestors tend, in a degree, to show that certain of them attempted to comply with article 14 of the treaty of September 27, 1830. This testimony, however, is insufficient to warrant the conclusion that such an attempt was made, particularly in view of the fact that the records of the Indian office fail to furnish any information corroborative of such attempted compliance. The identification of the applicants by reason of their descent from said ancestors was therefore properly denied.

It seems that the father of the principal applicant resided in Mississippi, and it is stated by one witness that he never lived in the Indian Territory. In fact, the evidence utterly fails to show that any one of the ancestors of these applicants ever removed, within a reasonable time after the treaty of 1830, to the Choctaw Nation and identified himself, politically or otherwise, with its people. This finding of facts being correct, it follows that Mrs. O'Quinn was born outside of the Choctaw Nation, and to non-citizens thereof. Under the circumstances, in order to acquire the status of a Choctaw citizen it was incumbent upon her to be admitted or readmitted to Choctaw citizenship. That she has been so admitted or readmitted does not appear from the record, nor is

(6)

it so alleged. Accordingly, although her name is borne upon the tribal roll, as well as the names of her husband and children, all of whom now reside therein, such enrollment was not a lawful one. Their names should therefore be eliminated from the tribal rolls of the Choctaw Nation."

This statement is equally applicable to John T. Thompson and his family, and if, as it has been held by the Department, the enrollment of Mary E. O'Quinn and her children upon the 1896 Choctaw census roll is not sufficient to warrant their enrollment as citizens of the Choctaw Nation, it does not appear that such enrollment of John T. Thompson and the members of his family would be of any benefit to the latter.

The record in the matter of the application for the enrollment of John T. Thompson and the members of his family as citizens of the Choctaw Nation was not consolidated with and made a part of the record in the Mississippi Choctaw case of William C. Thompson, et al., as a procedure of this character was prohibited by Departmental letter of November 10, 1902 (I T D 4871-1902), in reference to the Mississippi Choctaw case of John Scarborough, et al., in which case the Commission to the Five Civilized Tribes included the applications of Tom M. Tuck, William M. Hunter, et al., and Joseph C. Hunter, et al., applicants for enrollment as citizens by blood of the Choctaw Nation.

The Department in its letter of November 10, 1902, in reference to the consolidation of the above applications with the Mississippi Choctaw case of John Scarborough, et al., advised this



office as follows:

"That the decision rendered in their cases was based only upon their applications for enrollment as citizens by blood of the Choctaw Nation and that further hearing would be afforded them if they so desire to present their claims for identification as Mississippi Choctaws."

Seemingly by Departmental letter of April 5, 1906 (I T D 3622-1904), the rights of Mary E. O'Quinn and her minor children to identification as Mississippi Choctaws were finally adversely determined, and that the William C. Thompson case in so far as it refers to Mary E. O'Quinn and her children, is not now under consideration by the Department.

I have the honor to transmit herewith for the information of the Department a copy of the testimony of John T. Thompson taken at Colbert, Indian Territory, June 21, 1900, the affidavits filed by him at that time, and his testimony at Chickasaw, Indian Territory, October 15, 1902.

There is apparently no reason why action should further be suspended upon the application of John T. Thompson for the enrollment of himself and family as citizens of the Choctaw Nation if the Department's finding of April 5, 1906, in reference to Mary E. O'Quinn and her children is adhered to.

I have, therefore, the honor to respectfully recommend that I be authorized to proceed with the adjudication of the case

(8)

in conformity with the views expressed by the Department in its letter of April 8, 1905.

Respectfully,

*Tamie Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

MMK 30/100

Refer in reply  
to the  
following:

Land  
79380-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

October 18, 1905.

The Honorable,

\* The Secretary of the Interior.

Sir:

Referring to Department letter of June 26, 1905 (I.T.D. 5465-1905) I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 28, 1905, in the matter of the application for identification as a Mississippi Choctaw by John T. Thompson et al., recommending that the Commissioner be authorized to proceed with the adjudication of the same.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
FHE.

D.C. 12557-1906.  
I.T.D. 13756-1906.

April 4, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of October 31, 1905, and in further reply to your communication of September 28, 1905, relative to the Choctaw enrollment case of John T. Thompson et al, there are inclosed herewith, in accordance with your recommendation, the papers in said case.

In your report of September 28, 1905, you also recommended that you be authorized to proceed with the adjudication of this case in conformity with the views expressed by the Department in its letter of April 5, 1905, the subject of which was the application of Mary E. O'Quinn et al.

In view of the approved opinions of the Assistant Attorney General of February 19, 1906, and March 10, 1906, relating, respectively, to the Choctaw enrollment cases of James S. Long et al, and William C. Thompson et al, it is considered that the decision of the Department of April 5, 1905, in the O'Quinn case, should be reconsidered. Accordingly, the papers in the case of John T. Thompson

et al are returned, and you are authorized to adjudicate said case. If necessary you will take further testimony. In adjudicating the case it is desired that you make a finding of facts as to the time and place of birth of the applicants, their various residences, tribal recognition and the like, also concerning any other points which may be material to a proper application of the law.

The papers inclosed herewith consist of a copy of Thompson's testimony of June 21, 1900, and October 15, 1902, and certain affidavits attached thereto, also a copy of Indian Office letter of October 18, 1905, relating to the case.

Respectfully,

(signed) Thos. Ryan,

Through the Commissioner  
of Indian Affairs.

Acting Secretary.

2 inclosures.

Refer in reply  
to the  
following:

Land  
79390-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of June 26, 1905 (I.T.D. 5465-1905) I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 28, 1905, in the matter of the application for identification as a Mississippi Choctaw by John F. Thompson et al., recommending that the Commissioner be authorized to proceed with the adjudication of the same.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

COPY.

Muskogee, Indian Territory, May 16, 1906.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of April 14 and May 7, 1906 relative to your citizenship case and asking that witnesses be heard in your case on May 28, 1906 at the time the case of John T. O'Quinn is set for hearing.

In reply to your letter you are advised that on April 4, 1906, the Secretary of the Interior returned the record in the matter of your application for the enrollment of yourself, your wife, and your children as citizens of the Choctaw Nation with instructions that the same be readjudicated. You are therefore notified that in accordance with such Departmental instructions the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at ten o'clock A. M., Monday May 28, 1906, hear the testimony of such witnesses as you desire to introduce in support of your application for enrollment.

For your information there is inclosed herewith copy of Departmental letter of April 4, 1906, above referred to.

Respectfully,

SIGNED

*J. C. Beall*

Acting Commissioner.



COPY.

Muskogee, Indian Territory, May 16, 1906.

Manfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on April 4, 1906, the Secretary of the Interior returned the record in the matter of the application of John T. Thompson et al., for enrollment as citizens of the Choctaw Nation with instructions that the same be readjudicated. You are advised that the Commissioner to the Five Civilized Tribes will in accordance with Departmental instructions hear the testimony of such witnesses as may be introduced in support of this application at his office in Muskogee, Indian Territory, at ten o'clock A. M. Monday, May 28, 1906.

For your information there is inclosed herewith copy of Departmental letter of May 4, 1906, above referred to.

The testimony will also be taken at the same time in the matter of the application for the enrollment of Sarah Jane Darden and her family and Mattie Horton and her family as citizens of the Choctaw Nation, it appearing that the two principal applicants last named are sisters of the said John T. Thompson.

Respectfully,

Signed *Wm. O. Beall.*

Acting Commissioner.

Muskogee, Indian Territory, November 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of October 29, 1906 (I.T.D. 13375-1906) with which is inclosed for early report and recommendation a communication of October 23, 1906, from John T. Thompson relative to his right in the Choctaw Nation. The Department is unable to advise him properly as the case to which he refers cannot be identified.

I have the honor to report in this matter that the application of John T. Thompson for enrollment as a citizen by blood of the Choctaw Nation is now receiving the consideration of this office in connection with the cases of certain other members of the Thompson family with which it has been consolidated and a decision will be rendered as early as practicable and the record transmitted to the Department.

The letter of John T. Thompson inclosed with Departmental communication of October 29, 1906, is herewith returned.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
Incl.

Commissioner.

J.P.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

January 31, 1907,

D.C. 6290-1907.  
I.T.D. 1682-1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of December 11, 1906, relative to the Mississippi-Chockaw case of John T. Thompson, et al., in which you state the case "is now receiving consideration."

The Indian Office, submitting your report on the 24th instant (Land 109546), stated that the record in the case of John T. Thompson had not been received.

It is requested that you advise the Department at once of the status of the case.

A copy of the Indian Office letter is inclosed.

Respectfully

Thos Ryan  
First Assistant Secretary.

1 inclosure.

--Copy--

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND  
109546-1906

---

January 24, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated December 11, 1906, replying to Departmental letter of November 17, 1906 (IT.D. 13807-1906), requesting immediate report as to the status of the Choctaw enrollment case of John T. Thompson,

et al. The Department also requested to be advised as to the status of the cases of William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., John T. Thompson, et al., Hannie Foster (formerly Vaughan) et al., and John O'Quinn, reported to have been consolidated with the case of John T. Thompson, et al., above mentioned.

The Commissioner reports that the case of William H. McCoy et al., has been consolidated with the case of John T. Thompson, et al., and that this case is now receiving consideration at his hands and will be forwarded for Departmental consideration at an early date.

An examination of the records of this Office has been made and the case of John T. Thompson, et al., has not yet been received.

Very respectfully

C. F. Larrabee,  
Acting Commissioner.

AJV-EH

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of January 31, 1907 (I.T.D. 1682-1907), requesting to be advised the status of the Mississippi Choctaw case of John T. Thompson, et al.

Reporting in this matter I have the honor to advise that the application of John T. Thompson, et al., for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al., and the records in this case, together with my decision of January 10, 1907, with schedules comprising the names of persons whose application for enrollment was granted therein was forwarded to the Department through the Commissioner of Indian Affairs January 19, 1907.

Respectfully,

*James D. Doby*

Commissioner.

Through the Commissioner  
of Indian Affairs.

J.F.Jr.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

S.P.

D.C. 13023-1907.  
I.T.D. 6588-1907.

March 2, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 28, 1907 (Land 15812-07), the Indian Office transmitted your report, dated January 19, 1907, forwarding the record of proceedings in the consolidated case of Franklin M. Harton, et al., together with your decision, dated January 10, 1907, granting the applications of certain of the applicants and dismissing the applications of others.

The Indian Office recommends that, inasmuch as the applicants occupy an analogous status to the persons embraced in the case of William C. Thompson, your decision be reversed. A copy of its letter is inclosed.

In view of the opinion of the Attorney General, dated February 19, 1907, the Department concurs in the recommendation of the Indian Office and your decision, dated January 19, 1907, is hereby reversed and the application of those parties named therein are hereby denied.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office for its files.

Respectfully,

(Signed)

Jesse H. Wilson,  
Assistant Secretary.

1 inc. and  
10 to Ind. Of.

W.S.F. 2/1/07.

Refer in Reply  
to the following:

LAND

7293-1907.  
10579-1907.  
13725-1907.  
18367-1907.  
18983-1907.  
15812-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 28, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report of Commissioner Bixby, dated January 19, 1907, forwarding the record of proceedings in the consolidated cases of Franklin M. Harton, et al., together with additional proceedings had in these cases, and decision of Commissioner Bixby, dated January 10, 1907, granting the applications for enrollment as citizens by blood of the Chectaw Nation of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Weelley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville,



(2)

John D. Woolley, James B. Woolley, Amina McCoy, and Fay McCoy, and the applications for the enrollment of Fannie May O'Quinn, Katie Thompson, and Mary G. McCoy as citizens by intermarriage, and denying the applications of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson, and Hazel Maude Thompson, for enrollment as citizens by blood, the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson, and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson, and Narcissa Ella Percival as citizens of the Choctaw Nation.

Inasmuch as the applicants herein occupy an analogous status to the persons embraced in the case of William C. Thompson, et al., and in view of the decision of the Department of Justice of February 19, 1907 in the case of William C. Thompson, et al., denying their enrollment, the Office recommends that the decision of Commissioner Bixby be reversed as to the applicants enrolled in his decision transmitted herewith, and that all of the applicants herein be denied enrollment as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

HEM-LC...

Choctaw 6059

John Henry Darken

10, 1907 Granted

Jan 19, 1907 Record forwarded Dept

March 4, 1907 Decision of Commissioners reversed by Dept and schedules containing applicants names disapproved.

March 1, 1909 Dept requests report

April 22, 1909 Report To Dept

June 2, 1909 holds case is not analogous To Goldsby case and declines To Take action looking To enrollment of applicant

June 6, 1909 Parties Notified

Trans. from 7-R 73 Jan. 26, 1907

6059

Commission to the Five Civilized Tribes,  
South McAlester, Ind. Ter.

In the enrollment of Charles B. Darken and family as Choctaws;  
being sworn and examined by Com'r McKennon he states:

Q What is your name? A Charles B. Darken.

Q How old are you? A Thirty-six.

Q What is your wife's name? A Sarah Jane Darken.

(Com'r McKennon: Charles B. Darken is enrolled as an inter-married citizen, page 385, #14485, as C. B. Darken.)

Q Are you the father of Charles B. and John Henry Darken?

A Yes sir.

Q Which is the eldest? A John Henry.

Q How old is he? A ~~Eleven~~ Eleven years old.

Q What is the age of the other one, Charles B.? A Eight years old.

Q Is your wife living? A Yes sir.

Q The mother of these two children? A Yes sir.

Q Is she the woman you married, through whom you claim as an intermarried citizen? A Yes sir, I married and re-married.

Q You claim through her? A Yes sir.

Q What is her name? A Sarah Jane Darken.

Q Were your wife and children ever admitted by act of Council?

A Not that I know of.

Q Were they ever enrolled before this enrollment of 1896?

A Not that I know of.

Q What relation is your wife to these other parties? A She is a daughter of Narcissa Thompson, whose case has been disposed of before the Commission.

Q The facts in your wife's case are the same as those of Narcissa Thompson? A Yes sir.

Q Did you make application to the Daves Commission? A No sir.

Charles B. Durken et al #2)

Q Did your wife and family? A I heard there was an application;- they made the application for all together and we supposed that was where it was going in the start.

Com'r McKennon:

As your wife and children were not admitted by Act of Council, and never enrolled until this enrollment made in 1896 under the act of Council approved October 30th, 1896, your enrollment was without authority of law, and will be now refused. You, of course, as an intermarried citizen, will be refused, as your wife was refused.

Q You have two children born since the roll was made?

A Yes sir.

Q What are their names? A Myrtle E., two years old;

Q Next one? A Gertrude, nine months old.

Q That's all? A My wife had three when I married her; Benjamin Oliver Welch, twenty years old;

Q Is he married? A No sir.

Q Next? A Maultsy Welch, nineteen years old, and Walter, seventeen years old. Maultsy is married, and has one child; her name is Maultsy Loley now; her child is named Willie Loley, one year old.

(Com'r McKennon: Benjamin Welch is on page 367, #14020;

Walter Welch is on roll as Walter Welch, on page 367, #14021;

Maultsy Loley, is on page 308, #8348 as Maultsey Lawley; Sarah Jane Percival is, <sup>not</sup> on the roll.

They stand in the same relation to the Choctaw legislation as the Hortons.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*M. D. Durken*

R-73

(Copy)

Choctaw No. R-73

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of Charles B. Darken for the enrollment of himself as an intermarried citizen of the Choctaw Nation and for Sarah J. Darken, John Henry Darken, Charles B. Darken, Myrtle P. Darken, Gertrude Darken, Benjamin Oliver Welch, Maultsy Loley, Willie Loley and Walter Welch as citizens by blood of the Choctaw Nation.

To Charles B. Darken,

McAlester, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and the other applicants are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and the other applicants are descendants of Choctaw Indians who resided in

the state of Mississippi in 1830, and that their ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

7-R-725

685

73

205

217

225

475

23-971

974

975

976

977

978

979

1001

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of FRANKLIN M. HORTON, et al, as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultay Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultay Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson



at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children John F. Harten, Rachel S. Harten, James W. Harten, Mary M. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

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in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Hartton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihiina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1906, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John W. Woolley, born February 4, 1902, and James B. Woolley, born April 30, 1904, children of Robert L. Woolley and his wife, Cordie Woolley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maultsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton

James William Harton,  
 John F. Harton  
 Susie Harton,  
 Narcissa Ella Thompson, now percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn, and  
 Nannie Vaughn,

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary E. Thompson	12530
William E. Thompson (as Wm. Thompson)	12531



Charles S. Thompson (as Charles Thompson)	Opposite No.	12532
John M. Thompson (as Jno. M. Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maulsby Loley (as Maulsey Lawley)		8348
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Percival (as Marcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Taylor Percival (as Taylor Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September, 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under the act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census Roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.



It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he stated that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa-S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906 (I.T.D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1896, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Winnie L. Laddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Hannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John N. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Roby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

Tams Bixby.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

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D.O.M.

CAW

DEPARTMENT OF THE INTERIOR,  
WASHINGTON/

J.W.H.  
J.W.H.  
W.P.  
F.W.L.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 15, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 26, 1909, are as follows:

Cheatawa by Blood.

Roll No.

16103	Klimbeth Allen.
16112	George A. Bumgarner.
16110	Louittia Crutchfield.
16106	Everett Crutchfield

16111	George W. Crutchfield.
16106	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15552. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1903 (File 8-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bangarnier, Josephine Laflere Long and Jake Laflere Long.

Please report whether the names of these persons appear on any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department



finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.



For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

D 294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File S-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2,

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Haultsle Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Eugie Harton, Narcissa Ella Thompson, now Percival, Jessene Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Naud McCoy, Cordie McCoy and William

Secretary 3.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Leley and Walter Welch, and Willie Leley, daughter of Maultsy Leley, as citizens by blood of the Choctaw Nation.

John F. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Hannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Gillie

Secretary 4.

Odolphus O'Quinn and Winnie L. Ledy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Mattie Vaughan, Gallie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

Secretary 5.

family the name was spelled Horton while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Hattie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I. T. D. 15766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John E. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 13113-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Hattie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary 6.

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha B. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marton, child of Franklin N. Marton and Martha Ann Marton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marton; Bertha May Marton, daughter of John F. Marton and his wife, Susie Marton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Mammie Foster, formerly Vaughan, and her husband, Louis Foster;



Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. N. Reville and Mand Reville, nee McCoy; Amina McCoy and May McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. M. O'Quinn), Minnie L. Liddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Maultsy Leley (as Maultsey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary M. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary B.

Haudie McCoy, Gordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 ( I F D 13907-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Hannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I F D 1652-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 ( I T D 4222-1906) in the case of Mary A. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Needy Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harten, John Harten, Rachel Harten, James Harten, Mary M. Harten, Nancy Ella Harten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Mennie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

Secretary 10.

William N. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Murtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William M. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa S. Thompson and Marcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 856 and Henry Thompson, Chickasaw roll card number 1253.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula Vest and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 18812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080, 2715, 3000, 6913-1907), in accordance with the recommendation of this office of February 28, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,  
Choctaw by marriage Numbers 1623 to 1625, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.



Land  
31748-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

G.R.

Jun 7 1909

Enrollment case of  
Franklin M. Harton  
et al.

The Commissioner

to the Five Civilized Tribes,  
Muskegee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

MCMcC-4  
1870

Land  
31748-1909  
J E D

Jun 1 1909

Enrollment case of Franklin  
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John E. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine  
Acting Commissioner.

MCMcC-27  
1561

June 2, 1909.

APPROVED:  
Frank Pierce  
First Assistant Secretary.

Choctaw6059.

Muskogee, Oklahoma, June 16, 1909.

Mr. Charles B. Darden,  
McAlester, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Chectaw R-72

COPY.

Muskogee, Indian Territory, January 31, 1903.

Charles E. Darden,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Chectaw Nation, through its attorneys, Messrs Mansfield, McInerney & Cornish, has protested against the enrollment of yourself, your children, John Henry and Charles E. Darden, and your step-children, Benjamin Oliver Welch, Manley Leley and Walter Welch as citizens of the Chectaw Nation, on the grounds that your names were placed upon the 1896 Chectaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Chectaw Nation relative to the enrollment of certain persons upon the 1896 Chectaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED *James P. ...*

Acting Chairman.

COPY.

Choctaw R 73

Muskogee, Indian Territory, February 10, 1904.

Charles B. Darken,

South McAlester, Indian Territory,

Dear Sir:

You are hereby advised that under the direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself as an intermarried citizen, and of your wife Sarah Jane Darken, your children John Henry, Charles B. Jr., Myrtle E. and Gertrude Darken, your step-children Benjamin Oliver Welch, Walter Welch and Maultsy Loley, and your step-grand-child Willie Loley, as citizens of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles.*

Commissioner in Charge.

7-R-73

OOE

Muskogee, Indian Territory, November 22, 1904.

Simon E. Lewis,

McAlester, Indian Territory.

Dear Sir:

It appears from the records of the Commission that in the year 1899 application was made by Charles B. Darken for the enrollment of himself and his two minor children, John Henry and Charles B. Darken, Jr., as citizens of the Choctaw Nation. The names of the above named persons are found upon the 1896 Choctaw Census Roll and it is contended that said enrollment is without authority of law.

You having knowledge of the preparation of said roll, are respectfully requested to appear before this Commission at the earliest possible date and give testimony relative to the enrollment of the above named parties.

Respectfully,

SIGNED *Tame Birby*

Chairman.

JD .

Ardmore, Indian Territory, August 11, 1906.

Hon. Commissioner to the Five Civilized Tribes,

Muskogee, I.T.

Dear Sir:-

I have your letter of August 8th, 1906, relative to the proof of birth of Willie May Lawley which was transmitted to your office with my letter of July 20, 1906.

You state that you are unable to identify Maultsia Jane Lawley, the mother of said child, as a citizen by blood of the Choctaw Nation.

In reply you are advised that this proof is supplemental and is not an original application for the enrollment of Willie May Lawley. Willie May Lawley and her mother, Maultsia Jane Lawley, are applicants for enrollment as citizens of the Choctaw Nation, and their names are listed on Choctaw Card No. R-73.

Maultsia Jane Lawley is a daughter of Sarah Jane Darken (now wife of Charles B. Darken) and Frank Welch, deceased, a white man.

Yours very respectfully,

SAA-FK

S.A. Apple.



25-983

Muskogee, Indian Territory, August 24, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 11, 1906, in which you state that Willie May Lawley and her mother, Maultsia Jane Lawley, are applicants for enrollment as citizens of the Choctaw Nation, and their names are listed on Choctaw Card No. R-73. You also state that Maultsia Jane Lawley is a daughter of Sarah Jane Darken (now wife of Charles B. Darken) and Frank Welch, deceased, a white man.

In reply you are advised that the information contained in your letter has enabled this office to identify Maultsey Loley as an applicant for enrollment as a citizen of the Choctaw Nation, and has been filed with the record in the matter of the application for the enrollment of Willie May Lawley as a citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906.

Respectfully,

Acting Commissioner.

Ardmore, Indian Territory, August 25, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Dear Sir:

I am in receipt of your letter of the 24th instant, 23-883, relative to the application for the enrollment of Willie May Lawley as a citizen by blood of the Choctaw Nation. You state that the proof of birth heretofore sent to your office has been filed as an application under the Act of Congress approved April 26, 1906.

It was not the intention when I transmitted this proof of birth with my letter of July 20, 1906, to make an application for the enrollment of this child under the Act of April 26, 1906, but the same was simply supplemental proof in the matter of the enrollment of the child as a citizen by blood of the Choctaw Nation. She was applied for under the name Willie Loley at the same time the application was made for her mother and the other members of the family of Charles B. Darken, and Willie May Lawley (as Willie Loley) is listed for enrollment on Choctaw card No. R-73.

I respectfully request that this proof of birth be transferred to R-73 and that Willie May Lawley be enrolled under the acts of Congress approved June 25, 1893 (30 Stat., 495) and July 1, 1902 (32 Stat., 641).

Very respectfully,

B. A. Apple

7-R-73

Muskogee, Indian Territory, August 30, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 25, 1906, in which you state that Willie May Lawley is identical with Willie Loley for whom application has heretofore been made and whose name appears upon Choctaw card R 73 and you therefore request that the affidavits forwarded to her birth be considered in connection with the application made for her enrollment under the act of Congress approved June 28, 1898.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-6059.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

Maultsy J. Lawley,

Lewis, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the secretary of the Interior, on March 2, 1907, reversed the decision of the commissioner to the Five Civilized Tribes of January 10, 1907, granting the application for the enrollment of yourself and John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, and Willie May Lawley as citizens by blood of the Choctaw Nation, and disapproved the schedule of citizens by blood of the Choctaw Nation on which the names of John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley and Willie May Lawley appear, on March 4, 1907.

Respectfully,

Commissioner.

Refer to reply to the following:

*7/25*  
Choctaw6059,

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*W.H.A.*

Muskogee, Oklahoma, June 16, 1909.

Mr. Charles B. Darken,  
McAlester, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thos. Ryan*  
Acting Commissioner.

AB

Choctaw 6060

HATTIE BOYDSTUN

Trans. from Memo #76

Nov. 16, 1906

6060

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 9, 1905.

In the matter of the alleged application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

Charles E. McPherran appearing for the applicant, as her attorney.

Hattie Boydstun being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Hattie Boydstun.

Q What is your postoffice address? A Caddo, I.T.

Q Do you claim to have made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

Q When did you make that application? A It was in the fall of 1902.

Q Where was it you made it? A Atoka.

Q To whom did you make the application? A To the Commissioner.

Q Do you know what month in 1902 it was? A It was sometime in November.

Q You say that was in Atoka? A Yes sir.

Q Was the Commission in session there at that time?

A Yes sir.

Q What were you told when you sought to make application?

A They didn't tell me anything; didn't give me any answer; they asked me what my husband's name was and what my name was before I was married.

Q Is that all they did. A Yes, as well as I remember.

Q What did you tell the commission that you wanted to do? A I told them that I wanted to be enrolled.

Q Did you tell them that you wanted to be enrolled as an intermarried citizen? A Yes sir.

Q Do you know who it was that you told that to? A No sir.

Q You don't know who the person was that you were talking to? A No sir.

Q What did he say after you told him that? A Well, he took down what I told him and didn't tell me anything.

Q Didn't he say anything as to whether your application would or would not be received? A He asked me if I had made application before and I told him that I had through Judge Kiting.

Q And he didn't say anything at that time as to whether or not they would receive your application? A No sir.

Q Didn't give you any intimation as to what would be done or as to what you would be required to do. A He asked me for my marriage certificate and where I was married at.

Q That was all that he said to you at that time? A Yes, as I remember.

Q After you left there did you understand that your application had been received? A No, I never heard from them. I supposed I would hear from them but I didn't.

Q After you got through seeing the Commissioner at that time,



2-Hattie Boydstun.

what was your understanding then? A Well, I don't know; they just taken this and didn't tell me anything.

Q You went there for the purpose of being enrolled, didn't you? A Yes sir.

Q And that was the object in your mind at the time? A Yes.

Q When you got through talking with them did you understand that you had been enrolled or hadn't been enrolled? A No, they just said that they would see about this other application.

Q What other application? A They told me that they would see about it; that they would look after it; I didn't have my marriage certificate or anything then.

Q But they didn't say anything to you at that time as to whether they would receive your application? A No sir.

Q They told you they would see about it? A Yes sir.

Q You say you had made application before that through Judge Elting? A Yes sir.

Q In what form was that application? A He took my husband's name and my name and the place we were married; I made application for myself and the baby at the same time through him.

Q What child? A That baby (indicating)

Q What is the child's name? A John Francis Boydstun, Jr.

Q When was it you made that application? A I disremember; sometime in May or June.

Q Of what year? A Of the same year, in the spring before I made the application in the fall.

Q May or June, 1902? A Yes sir.

Q What became of that application that was made up at that time? A I never heard of it. I supposed that it would be sent in; I asked him if I was required to come up there again and he said no.

Q What was Judge Elting? An attorney? A Yes sir.

Q Where is he? A At Caddo.

Q Is he still living at Caddo? A Yes sir.

Q And you went to him for the purpose of making application for your son and for your own enrollment? A Yes sir.

Q And you say this written application was made out there? A Yes sir.

Q What did you do with it after you signed it, or did you sign it? A Yes sir, I signed it.

Q And you swore to it? A Yes sir.

Q Then what did you do with it? A I left it with him.

Q For what purpose? A To be sent in to the Commission I supposed. I don't know.

Q You don't mean to say that you went there and left it without instructions as to what he was to do with it? A He said he would attend to it.

Q What did you understand he was going to do with it? A I understood that he was going to send a statement to a physician attending the birth of my child to make affidavit that he attended me and he was to send for my marriage certificate.

Q What was he going to do with these papers after he secured them? A He was going to send them to the Commission.

Q That was your understanding? A Yes sir.

Q Is Judge Elton still living? A Yes sir.

Q Still practicing law at Caddo? A Yes sir.

Q Have you seen him lately and tried to ascertain what was done with the application? A I had Mr. McPherrren--

Q You, yourself; have you ever tried to find out what he did with it? A I went to see him but he wasn't there at the time I went to see him, and I didn't live there then.

Q You never asked this Judge Elton what he did with that application? A No sir.

Q And the next thing you did was to appear before the Commission at Atoka in the fall of 1902? A Yes sir.

3-Hattie Boydstun.

Q Was anyone with you at the time you made that application?

A Yes, my sister.

Q And who else? A And my step brother, Joe Black.

Q Were your step brother and your sister in the room with you when you tried to make application? A Yes sir.

Q And did they hear you try to make it? A I don't suppose they heard what I said; they was sitting in the back part of the room when my number was called.

Q Through whom do you claim the right to enrollment? A Through my husband.

Q What is your husband's name? A John F. Boydstun.

Q Is he a citizen by blood of the Choctaw Nation? A Yes sir, he has already been enrolled and filed.

Q On the final roll, is he? A Yes sir.

The name of John F. Boydstun, through whom the applicant claims her right to enrollment is found upon Choctaw field card No. 3698; as No. 10463 on the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior February 4, 1903.

Q When were you married to John F. Boydstun? A In 1901, I reckon, on July 9th.

Q Where were you married? A El Reno, Oklahoma.

Q At the time you married him where was your residence? A Caddo

Q You were a resident of the Choctaw Nation? A Yes sir.

Q At that time? A Yes sir.

Q Where was his residence at that time? A His residence I suppose would have been called the Choctaw nation, but he had killed a fellow and he was on the scout; he had just come back from Montana and I run off and met him at Minco and we went to Oklahoma and got married.

Q And his home was where? A At his fathers at Caddo.

Q In the Choctaw Nation? A Yes sir.

Q Had you ever been married before, at the time you married him? A No sir.

Q Had he ever been married before, at the time he married you? A No sir.

Q Where did you live after you and he were married? A We lived part of the time at Minco.

Q In what nation? A Chickasaw nation, and then he went off from home and I went to my uncle in Texas when my baby was born. That was in August after we was married; I went down there. Then we come back to Caddo; he come first and we lived at Caney. We separated last October.

Q Since you were married to him, where has been your home, as far as you have had a home? A Well, I have lived with his uncle and aunt in Oklahoma part of the time; we havn't had any settled home until last spring in May or June we moved to Caney and lived there until October.

Q How long did you live with him after you were married?

A Altogether, I suppose, we lived together over six months. He was gone most of the time.

Q You say you were separated some short time since? A We have been parted on account of his being in trouble; he would come in and out, but we lived together all the time without being separated from along in the spring until last October the longest we have lived together at one time.

Q Last October what happened? A We separated.

Q And you are not living together at this time, and have not been since last October? A No sir.

Q You have not been divorced from him have you? A No sir.

Q Has he secured any divorce from you that you know of?

A No sir.

4-Hattie Boydstun.

Q At the time you appeared before the Commission at Atoka, where was your home? A I was with my aunt at Bee.; I don't know whether that was in the Choctaw or Chickasaw Nations.

Q How long had you been living there at that time? A I suppose I had been there 2 or 3 months. Just staying there with my aunt.

Q Except this occasion on which you sought to have Judge Elting make application for you and your son, and the time when you appeared before the Commission at Atoka, have you made any other effort to secure your enrollment? A No, except to Mr. McPherrren, when I didn't hear from it; it went a good while.

Q You say that they didn't tell you anything about as to whether your application would be received? A No, they didn't tell me at that time, but I was under the impression that I would hear from them.

Q What made you think that? A They said something to that effect, but I don't remember just what they said.

Q They did say something to the effect that you would or would not be enrolled? A They told me I would hear from them.

Q Did you ever hear? A No sir.

Examination by Mr. McPherrren:

Q How long did you wait after you made this appearance at Atoka before you took steps to ascertain what they had done with your application? A Well, I don't remember just how long it was. I wrote from where I was in Oklahoma--

Q Yes, I know--Just answer the question as to about how long, approximately? Who did you see first about it? Did you not see someone at Durant first? A Yes, I went to see a lawyer at Durant and asked him if he could tell me why it was that I had not heard from the Commission, and he asked me about when I was married, and asked me what we paid for an Indian license, if we paid \$150 or something like that, and I told him that we had a United States license, and he said that he didn't think that it would be of any use to see anything further about it, because if I hadn't married under Indian laws they wouldn't accept me.

Q Was that the reason why you didn't take any action up until the time you came to see me about it? A Yes, that was the reason.

Examination by the Commission.

Q Who was this attorney at Durant who told you this? A I don't remember his name; his office was on the main street on the left hand side and he was a young fellow. I was referred to him by someone. I asked for a lawyer at some store, asked where I could find a lawyer's office, and I told them something of my business; I told them to direct me to someone that could give me the proper information on that line and he sent me to that lawyer.

Q How long did you talk with that lawyer? A I don't remember; suppose a half an hour.

Q And you went to Durant and asked to be referred to a lawyer and went to see him and had a half hour conversation with him, and he told you all this, which you remember very distinctly, and still you don't remember his name? A No, I never had seen him before.

Q But you remember what he told you? A Yes, and I was told after that, and I know of others that had been put on the roll

5-Hattie Boydstrun.

that married like I did, and I wrote then to Mr. McPherrren to see about it.

Q Don't you think that if you tried right hard that you could remember that lawyer's name? A I don't know; I don't think that I could. I didn't get any papers from him and I didn't sign any papers, I just went to him and asked him for advice and that is what he told me.

Q Do you consult lawyers very often. A When I have occasion to.

Q Do you very frequently have occasion to consult an attorney? A I have lately.

Q Do you usually remember the names of the attorneys whom you consult? A I don't remember of any other occasion I didn't

Q Why is it that you can remember so distinctly what this man told you but you cannot remember his name? A Because I know what I went there for and I know what he told me.

Q It was a matter of importance for you to know what you could do or couldn't do, but it was not a matter of importance to remember the name of the man who gave you the advice? A I didn't think that he gave me very much encouragement.

Q And you only remember the names of the attorneys who give you encouragement? (No answer).

Witness excused.

Birdie Willis being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Birdie Willis.

Q Are you acquainted with Hattie Boydstrun? A Yes sir.

Q Is she a relative of yours? A Yes sir, she is my sister.

Q What is your postoffice address? A It is Nail, I. T.

Q Hattie Boydstrun has testified that in November, 1902, she tried to make application to this Commission for enrollment as a citizen by intermarriage of the Choctaw nation. Do you know anything about that? A Yes sir.

Q Can you tell me what you know. A Yes, I came up to Atoka with her in November, 1902, sometime in November, and she came from her mothers and came on to Caddo and I came with her; my step brother and myself.

Q You say you went to Caddo with her? A Yes, she came to my mothers and I came on to Caddo with her.

Q What do you know about the application she claims to have made? A I don't know anything about it, but I know that she went to Atoka for that purpose, to the Commission.

Q Did you go with her? A I went up to the court house, yes.

Q Did you hear her make application? A No, I didn't hear what she said; we were up there and she went up and sat down at the table.

Q Do you know who she appeared before? A No sir.

Q Do you know whether it was anyone that represented this Commission or not? A No, I don't know anything about it.

Q Did you hear what she said? A No sir.

Q You didn't hear what was said to her? A No sir.

Q You don't know then whether she made any application or not?

A I know that she went there for that purpose.

Q And you went with her, did you? A Yes sir.

6-Hattie Boydstun.

Q What did she tell you before she went from home?  
A She told me that she was going there for that purpose.  
Q You was not asked any questions in the matter, by anyone?  
A Why, I don't know; I talked with lawyer McPherrren--  
Q I mean the time she claims to have appeared at Atoka--the people before whom she appeared did not ask you any questions?  
A No sir.  
Q You didn't go into the room at all? A No--I went in the room, but I didn't get up to where she went.  
Q Well, where did she go? A She went up to the front where there was a table and sat down to a table.  
Q Was the room crowded? A There was a good many people there. I say back in the corner.  
Q You say that that was in the Court house in Atoka? A Yes sir.  
Q You are sure it was in the month of November, 1902? A I am sure it was November but I don't know exactly the date of the month.  
Q After your sister came back from this table to where you were, what did she tell you? A She didn't tell me anything; we went on home; she told me she had put in an application/  
Q She told you that she had applied? A Yes, and I know she did, too.  
Q I am asking you what she told you? A Well, we talked a good deal about it.  
A Did she tell you what they required of her, if anything?  
A No, she didn't tell me anything like that.  
Q She didn't say whether or not they had received it or whether she was to do anything further in that connection?  
A She talked like she thought they would, though; I don't think they told her whether they did; I don't know of course, for sure.  
Q Do you know anything about this prior application which she claims was made, or assumed to be made by Judge Elting?  
A I don't know nothing about it. I know that she put in her application all right.  
Q How do you know? A Because she told me.  
Q That is all you know about it? A Yes sir.  
Q You didn't go with her to Judge Eltings? A No, I didn't go there.  
Q She claims to have visited an attorney at Durant whose name she does not remember as to certain matters in connection with this. Do you know anything about that? A I wasn't with her when she called on that attorney.  
Q What you have stated is all you know in connection with this?  
A All that I remember of knowing.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this May 9, 1905

*W. H. Campbell*

Notary Public.



- C O P Y .

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

Affidavit of C. H. Elting, of Caddo, Ind. Ter.

Be it remembered that on the 2nd day of October, 1905, personally appeared before me the undersigned authority, C. H. Elting to me well and personally known to be the person making the following statement, who after being duly sworn according to law states as follows, to-wit :

My name is C. H. Elting, my P.O. address is Caddo, Ind. Ter., and I am a practicing attorney. I am acquainted with Hattie Boydstun and have known her by sight for the past four or five years. I am also acquainted with her husband, John F. Boydstun.

I remember that in the summer of 1902 I drew up an affidavit for the said Hattie Boydstun relative to some matter, but I cannot recall its nature. I think this was sometime in the month of May or June but I cannot be positive as to the month. I do not know what became of the affidavit but I do not remember its having been left with me; I am satisfied that if it was left with me to be forwarded that I forwarded it.

I have no correspondence that I remember of, or of which I have any record, with the Commission relative to this application, if it was an application. I was not employed as an attorney in the case and only acted as a Notary Public in the matter of preparing the affidavit.

(Signed) C.H. Elting.

Sworn to and subscribed before me this the 2nd day of October, 1905.

(Signed) A. E. Richey,

(SEAL).

Notary Public.

Endorsed:

Department of the Interior  
Commissioner to the Five Civilized Tribes  
In the matter of the alleged  
application for the enrollment of Hattie Boydstun  
as a citizen by intermarriage of the  
Choctaw Nation.

Affidavit of C. H. Elting of Caddo, Ind. Ter.

Department of the Interior  
Commissioner to the Five Civilized Tribes  
Filed Oct 3, 1905  
Tams Bixby, Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

Affidavit of Joe Black, of Caddo, Indian Territory.

Be it remembered that on this the 2nd day of October, 1905, personally appeared before me the undersigned authority, Joe Black to me well and personally known to be the person making the following statement, who after being duly sworn according to law states as follows, to wit:

My name is Joe Black, my P.O. address is Caddo, Indian Territory, and I am a painter by trade. I am acquainted with Hattie Boydstun, the wife of John F. Boydstun and the mother of John Frances Boydstun; he is my half sister.

I accompanied Hattie Boydstun and her sister, who is now Bertie Willis, to Atoka sometime in the fall of 1902, for the purpose of making an application for Hattie Boydstun for enrollment as an intermarried citizen of the Choctaw Nation. The Dawes Commission was there receiving applications. I was in the building when Hattie Boydstun went before the Commission and made her statement. The building was crowded and I did not hear all that she said in answer to the Commissioner, but I heard enough to know that she told them who she was and that she was an intermarried citizen of the Choctaw Nation.

I do not know anything about this case except that I was present when the application was made to the Commission.

(Signed) Joe S. Black.

Sworn to and subscribed before me this, the 2nd day of October, 1905.

(Signed) A. E. Richey,  
Notary Public.

(SEAL).

Endorsed:

Department of the Interior,  
Commission to the Five Civilized Tribes.  
In the matter of the alleged application  
for the enrollment of Hattie Boydstun as a  
citizen by intermarriage of the Choctaw Nation.

Affidavit of Joe Black, of Caddo, Ind. Ter.

Department of the Interior  
Commissioner to the Five Civilized Tribes  
Filed Oct. 3, 1905.  
Tams Bixby, Commissioner.



Memo.-76.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Hattie Roydston as a citizen by intermarriage of the Choctaw Nation.

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It appears from the record herein that on May 9, 1905, Hattie Roydston appeared in person before the Commission to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The applicant testifies that in November, 1902, she appeared before said Commission at Atoka, Indian Territory, and made said application. Said Commission held a session at that place November 17th to 21st, inclusive, 1902. She claims that she stated to the Commission that she wanted to be enrolled as an intermarried citizen, and was asked what the name of her husband was, and what her name was before she was married, but was not given any information as to whether or not she would be enrolled or her application received. She further claims that in May or June, 1902, Judge Elting, an attorney at Caddo, Indian Territory, prepared at her request, a written application for her enrollment, and for the enrollment of her minor son, John Francis Roydston, Jr., and that said written application was left with him to be forwarded to said Commission. She further states that when she made such personal application to said Commission she advised the Commission that she had directed said Judge Elting to prepare such written application.

Birdie Willis testifies that she is the sister of the applicant, and that in November, 1902, the applicant did go to Atoka for the purpose of making application to the said Commission, and the witness went with her. The witness states that she did not hear the application made, and she knows nothing about it beyond the fact that she accompanied her sister to Atoka at that time.

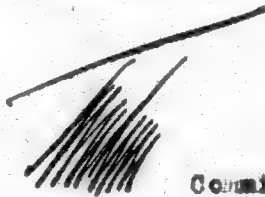
On October 3, 1905, there was filed with this office the affidavit of G. H. Elting, of Caddo, Indian Territory, wherein he states that he is a practicing attorney; that he is acquainted by sight with the applicant, Hattie Roydston; that in the month of May or June, 1902, she appeared at his office at Caddo, Indian Territory, and in the capacity of Notary Public he drew up an affidavit relative to some matter, the nature of which he does not remember; that he does not recollect what became of it, but is satisfied that if the same was left with him to be forwarded to the Commission to the Five Civilized Tribes, he did so; and that he has no record of any correspondence with

said Commission relative to said affidavit.

On October 3, 1905, there was also filed with this office the affidavit of Joe A. Black of Cadde, Indian Territory, wherein he states that he is a half brother of the applicant; that in the fall of 1902, he accompanied her to Atoka, Indian Territory, where she appeared before the Dawes Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and that he was in the building occupied by said Commission at the time said application was made, and heard part of the statement made by the applicant to said Commission.

The records of the Commission do not show that any other application, written or otherwise, for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation was ever made to or received by said Commission.

I am of opinion that the evidence is not sufficient to establish that application was made for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of said Act of Congress approved July 1, 1902 (32 Stats., 641), and that no authority exists at this time for the receipt of any application for her enrollment, and I therefore decline to receive same.



Commissioner.

Muskogee, Indian Territory,

NOV 16 1905

Memo. 76

COPY.

Muskogee, Indian Territory, November 16, 1905.

Hattie Boydston,

Caddo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Dixey*

Registered.

Commissioner.

Incl. Memo. 76.

Memo. 76

COPY.

Muskogee, Indian Territory, November 16, 1905.

C.H. Elting,  
Attorney at Law,  
Caddo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, declining to receive the application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tamie D. Dwyer*  
Commissioner.

Registered.

Incl. Memo. 76.

Memo. 76

COPY.

Muskogee, Indian Territory, November 16, 1905.

Chas. E. McPherron,

Caddo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, declining to receive the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, ~~is~~ this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Registered.

Commissioner.

Incl. Memo. 76.

Memo. 76

COPY.

✓  
Muskogee, Indian Territory, November 16, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, rendered November 16, 1905, declining to receive the application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Jams Bixby*

Commissioner.

Incl. Memo. 76.

COPY.

Muskogee, Indian Territory, November 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, including the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, declining to receive said application.

Respectfully,

SIGNED

*Tamm Birby*  
Commissioner.

2 Incl. Memo. 76.

Through the  
Commissioner of Indian Affairs.



GR

LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 15, 1906.

I.T.D.17906-1905.

D.C. 2670-1906.

L. R. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

November 15, 1905, you transmitted the records of proceedings had in the matter of an alleged application made by Hattie Boydston for her enrollment as a citizen by intermarriage of the Choctaw Nation, including your order of same date declining to receive said application, on the ground that the evidence submitted is not sufficient to establish that application was made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the act of Congress approved July 1, 1902, (32 Stat., 641), and that no authority exists at this time for the receipt of application for her enrollment.

December 21, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your action, adverse to the applicant, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your order dated November 15, 1905, declining, for the reasons

-2-

stated, to receive the application of Hattie Boydston for her enrollment as a citizen by intermarriage of the Cheate Nation is hereby affirmed.

You will notify the applicant accordingly.

Respectfully,

1 inclosure.

Thos. Ryan.  
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land.  
92821-1905.  
94593-1905.

December 21, 1905.

C O P Y.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from Commissioner Bixby, dated November 16, 1905, forwarding for Departmental consideration the record of proceedings in the matter of the application for enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

On November 16, 1905, the Commissioner rendered his decision adverse to the applicant, holding that the evidence in the case is not sufficient to establish that application was made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress, approved July 1, 1902, (32 Stats. 641), and that no authority exists at this time for the receipt of any application for her enrollment.

From the testimony in this case, the applicant claims to have made application to the Commission at Atoka sometime in November 1902. It appears that the Commission held a session

at that place, November 17 to 21, inclusive, 1902. She testifies that she stated to the Commission her desire to be enrolled as an intermarried citizen, and was asked what the name of her husband was, and what her name was before she was married, but that she was not given any information as to whether or not she would be enrolled or her application received; that in May or June 1902, she requested Judge Elting, an attorney at Caddo, Indian Territory, to prepare a written application for her enrollment and for the enrollment of her minor son, John Francis Boydston, Jr; that she left the written application with him to be forwarded to the Commission. She further testifies that when she made personal application to the Commission, she advised the Commission that she had directed Judge Elting to prepare such written application.

Birdie Willis, sister of the applicant, testifies that in November 1902, she accompanied the applicant to Atoka, and that the applicant went there for the purpose of making application to the Commission, but the affiant states she did not hear the application made, and knows nothing about it beyond the fact that she accompanied her sister to Atoka at that time.

On October 3, 1905, there was filed at the Office of the Commissioner an affidavit by C. H. Elting, of Caddo, I.T., wherein he states that he is a practicing attorney; that he

is acquainted by sight with the applicant, Hattie Boydston; that in the month of May or June, 1902, she appeared at his office, and in the capacity of notary public he drew up an affidavit relative to some matter, the nature of which he does not remember; that he does not recall what became of the affidavit, but is satisfied that if the same was left with him to be forwarded to the Commission to the Five Civilized Tribes, he did so; and that he has no record of her correspondence with said Commission relative to such affidavit.

On October 3, 1905, there was also filed at the office of the Commissioner the affidavit of Joe A. Black, of Caddo, Indian Territory, wherein he states that he is a half-brother of the applicant; that in the fall of 1902 he accompanied her to Atoka, Indian Territory, where she appeared before the Dawes Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation; that he was in the building occupied by the Commission at the time said application was made, and heard part of the statement made by the applicant to the Commission.

The records of the Commission to the Five Civilized Tribes do not show that any other application, written or otherwise, for the enrollment of Hattie Boydston, as a citizen by intermarriage of the Choctaw Nation, was ever made to or received

by the Commission.

Under separate cover, (94893-1905) the Acting Commissioner, William O. Beale, under date of November 22, 1905, transmits for consideration in connection with this case, a brief and argument by Charles E. McPherran, attorney for the applicant. The applicant, through her attorney, appeals from the decision of the Commissioner to the Five Civilized Tribes, and holds that the Commissioner is in error in that he overlooked material statements of witnesses and misunderstood others in this case. In said appeal the applicant fails to furnish any additional or new evidence, but bases the appeal and argument on the ground that the evidence furnished is sufficient to establish the fact that she appeared before the Commission at Atoka in 1902 and made application, and says that the absence of a record in the possession of the Commissioner, showing that the applicant appeared before the Commission to the Five Civilized Tribes and made application for enrollment before December 25, which is relied upon to overthrow the direct testimony of three witnesses, Hattie Roydstun, Birdie Willis, and J. A. Black, not only possibly, but very probably tends to show that such record has been lost. This supposition appears to be the principal argument advanced in the appeal from the Commissioner's decision, and in view of the fact that the records of the Commission do not show that Hattie Roydstun

Made application for enrollment as a citizen by intermarriage of the Choctaw Nation before December 25, 1902. I am of the opinion that the evidence submitted is not sufficient, in the absence of such record, to establish such application, and as no authority exists at this time for the receipt of any application for enrollment by the Commissioner to the Five Civilized Tribes, I respectfully recommend that the Commissioner's decision adverse to the applicant be affirmed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

C. T. C.

LC..



Memo. 76

Muskogee, Indian Territory, January 27, 1906.

Hattie Boydston,

Caddo, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 15, 1906 affirmed the decision of the Commissioner to the Five Civilized Tribes dated November 16, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Memo 76

Muskogee, Indian Territory, January 27, 1906.

C.H. Elting,  
Attorney at Law,  
Caddo, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of January 15, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated November 16, 1905, declining to receive the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Memo. 76

Muskogee, Indian Territory, January 27, 1906.

Charles E. McPherron,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of January 15, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, declining to receive the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Memo. 76

Muskogee, Indian Territory, January 27, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 15, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated November 16, 1905, declining to receive the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Cheetaw Nation.

Respectfully,

Acting Commissioner.

(COPY-DeB)

(Registry receipt attached).

DEPARTMENT OF THE INTERIOR,  
Secretary of the Interior.

In the matter of the alleged  
application for the enrollment  
of Hattie Boydstun as a citi-  
zen by intermarriage of the  
Choctaw Nation. )

AFFIDAVIT.

Comes now Charles E. McPherran, attorney for Hat-  
tie Boydstun, the applicant in the above styled cause, and  
after being sworn states that he did, the 20th day of Novem-  
ber, 1905, forward to Mansfield, McMurray and Cornish, at-  
torneys of record for the Choctaw and Chickasaw Nations, a  
true and correct copy of the within Appeal and Brief of Ap-  
plicant in the above cause; that the said copy was forwarded  
by registered mail, properly addressed and stamped, and that there  
is hereto attached and marked "Ex. A", the receipt of the Post-  
master for said registered letter containing the said document.

Witness my hand this the 20th day of November, 1905.

Chas. E. McPherran,  
Attorney for Applicant.

Sworn to and subscribed before me this the 20th day  
of November, 1905.

J. T. Jackson,  
Notary Public.

SRAL.

(COPY-DeB)

Memo.76.

DEPARTMENT OF THE INTERIOR,  
Secretary of the Interior.

In the matter of the alleged appli- )  
cation for the enrollment of Hattie )  
Boydstun as a citizen by intermarri- ) Appeal and Brief of Appli-  
age of the Choctaw Nation. ) cant.

Comes now the applicatn in the above cause, Hattie  
Boydstun, by her attorney Charles W. McPherrren, and appeals to  
the Secretary of the Interior from the opinion of the Commissioner  
to the Five Civilized Tribes, rendered on November 16, 1905, in  
which the said Commission declined to receive the application of  
the applicant herein for the reason that the evidence is not suf-  
ficient to establish that application was made for the enrollment  
of the applicant, Hattie Boydstun, as a citizen by intermarriage  
of the Choctaw Nation, within the time limited by the provisions  
of the act of Congress, approved July 1st, 1902, and asks that the  
Honorable Secretary of the Interior disapprove the said opinion  
of the Commissioner to the Five Civilized Tribes, and that the  
said Commissioner be ordered to enroll the applicant herein.

In support of this appeal the applicant submits the fol-  
lowing.

STATEMENT OF FACTS.

It conclusively appears from the testimony that the  
applicant, Hattie Boydstun, has been a continuous resident of the  
Choctaw and Chickasaw Nations for many years; that she is the wife  
of John F. Boydstun, a choctaw Indian by blood, having been duly  
and legally married to him on July 9th, 1901. That at the time of  
their marriage both lived at Caddo in the Choctaw Nation; that  
one child has been born to this John F. Boydstun and Hattie Boyd-

stun, John Francis Boydstun by name, and which the record of the Commissioner shows was with its mother at the time of her examination herein, and which said record further shows has since been approved and enrolled as a citizen by blood of the Choctaw Nation.

That in May or June, 1902, the applicant, Hattie Boydstun, had a written application for enrollment prepared and forwarded to the Commission to the Five Civilized Tribes, or undertook to have such application forwarded, for herself and child.

That in November, 1902, the applicant, Hattie Boydstun, appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, when the Commission was holding sessions about the country for the purpose of receiving such applications, and applied in person for enrollment as an intermarried citizen of the Choctaw Nation.

That afterwards, it appearing that the Commission had preserved no record of the applicant in November, 1902, the applicant appeared in person with witnesses before the Commission on November 9, 1905, at Muscogee, to show to Commission that applicant had theretofore appeared before such Commission and made application for enrollment as an intermarried citizen of the Choctaw Nation as before recited.

#### THE ISSUE.

The Commissioner to the Five Civilized Tribes does not find that the applicant is not the wife of a Choctaw Indian, John F. Boydstun, and a resident of the Choctaw or Chickasaw Nations and entitled to enrollment as an intermarried citizen of the Choctaw Nation if application for such enrollment had been made to the Commission to the Five Civilized Tribes in May, June or November, 1902, as contended by the applicant. The Commissioner in his opinion only holds that the proof of the making of such application is not sufficient and that therefore he has no authority



to hear the application. The sole issue is as to whether or not the proof is sufficient to show that the applicant applied for enrollment at any time on or before December 25, 1902.

#### ASSIGNMENT OF ERROR.

The Commissioner to the Five Civilized Tribes erred in finding that the testimony of Hattie Boydstun, Birdie Willis, and J. A. Black was not sufficient to authorize the finding that applicant, Hattie Boydstun, appeared before the Commission at Atoka, Indian Territory, and applied for enrollment as an intermarried citizen of the Choctaw Nation, in November, 1902.

#### ARGUMENT.

The Commissioner to the Five Civilized Tribes is usually very fair and accurate in his findings of fact, but of course no official, however painstaking, can evade sometimes falling into error. That the Commissioner overlooked material statements of witnesses and misunderstood others in this case is conclusively shown by his findings hereafter quoted in red.

#### FIRST.

"The applicant testified that in November, 1902, she appeared before said Commission at Atoka, Indian Territory, and made said application. Said Commission held a session at that place November 17th to 21st, inclusive, 1902. She claims that she stated to the Commission that she wanted to be enrolled as an intermarried citizen, and was asked what the name of her husband was, and what her name was before she was married, but was not given any information as to whether or not she would be enrolled or her application received."

The applicant, Hattie Boydstun, in reply to questions propounded by the Commission, as found in the record of the tes-

timony at the bottom of page 1 and the top of page 2, testified as follows:

- Q. After you left there did you understand that your application had been received? A No, I never heard from them. I supposed I would hear from them but I didn't.
- Q After you got through seeing the Commissioner at that time what was your understanding then? A Well, I don't know; they just taken this and didn't tell me anything.
- Q You went there for the purpose of being enrolled, didn't you? A. Yes sir.
- Q And that was the object in your mind at that time? A Yes.
- Q And when you got through talking with them did you understand that you had been enrolled or hadn't been enrolled? A No, they just said that they would see about this other application.
- Q What other application? A They told me that they would see about it; that they would look after it; I didn't have any marriage certificate or anything then.
- But they didn't say anything to you at that time as to whether they would receive your application? A No, sir.
- Q They told you they would see about it? A Yes, sir.

It appears from this testimony that the applicant was informed, as all applicants were, that her case was taken under advisement. What could her answer- "They told me they would see about it; that they would look after it."- imply, except that the Commission would give her application proper consideration? Ignorant women are not required to understand the legal significance of the acts of the Commission. Whether or not she was, "Given any information as to whether or not she would be enrolled or her application received", is entirely immaterial. The real question is, did she appear before the Commission in November, 1902. If she did, her application should be received and heard.

SECOND.

"Birdie Willis testifies that she is the sister of the applicant, and that in November, 1902, the applicant did go to Atoka for the purpose of making application to the said Commission, and the witness went with her. The witness states that she did not hear the application made, and she knows nothing about it beyond the fact that she accompanied her sister to Atoka at that time."

The closing sentence of the above finding is not a fair statement of the substance of this witness' testimony; it would seem from this finding that this witness did not accompany the applicant to the place where the Commission was holding its sessions; that the witness did not see the applicant appear before the Commission; that the witness did not know of her own knowledge that such appearance and application was made; as a matter of fact this witness testified to all these facts. This witness, Birdie Willis, testified relative to all these points as follows:

- Q Did you go with her? A I went up to the court house, yes.
- Q Did you hear her make application? A No, I didn't hear what she said; we were up there and she went up and sat down at the table.
- Q Do you know who she appeared before? A No sir.
- Q Do you know whether it was any one that represented this Commission or not? A No, I don't know anything about it.
- Q Did you hear what she said? A No sir.
- Q You didn't hear what was said to her? A No sir.
- Q You don't know then whether she made any application or not? A. I know that she went there for that purpose.
- Q And you went with her, did you? A Yes, sir.
- Q What did she tell you before she went from home? A She told me that she was going there for that purpose.
- Q You was not asked any questions in the matter by any one?
- A Why, I don't know; I talked with lawyer McPherrren--
- Q I mean the time she claims to have appeared at Atoka--the people before whom she appeared did not ask you any questions?
- A. No sir.
- Q You didn't go into the room at all? A No--I went in the room, but I didn't get up to where she went.
- Q Well, where did she go? A She went up to the front where there was a table and sat down to a table.
- Q Was the room crowded? A There was a good many people there. I sat back in the corner.
- Q You say that that was in the Court House in Atoka? A Yes sir.
- Q You are sure it was in the month of November, 1902? A I am sure it was November but I don't know exactly the date of the month.
- Q After your sister came back from this table to where you were, what did she tell you? A She didn't tell me anything; we went on home; she told me she had put in an application.
- Q She told you that she had applied? A Yes, and I know she did, too.
- Q I am asking you what she told you? A Well, we talked a good deal about it.
- Q Did she tell you what they required of her, if anything? A No, she didn't tell me anything like that.
- Q. She didn't say whether or not they had received it or whether she was to do anything further in that connection? A She talked like she thought they would, though; I don't think they told her whether they did; I don't know of course for sure.

Considering the crowded conditions under which such applications were received and the limited opportunity witnesses had of observing and hearing the proceedings, this witness conclusively corroborates the applicant. That the Commission was at Atoka from November 17th to 21st, inclusive, and held their sessions in the Court House, is conceded: that such session was widely advertised is a matter of record. The evidence shows that the applicant, accompanied by her sister and half brother, traveled by land and rail about forty miles to enable the applicant to appear before the Commission and make application for enrollment as an intermarried citizen; that she was accompanied to the place where the Commission was in session by her relatives; that she appeared before some authority which she says was the Commission, and that her statement-application- was taken, and that she returned home. Is it reasonable to conclude without supporting testimony that all this was done by applicant with the sole purpose of appearing before the Commission and making application for enrollment as an intermarried citizen of the Choctaw Nation, and yet such application not be made?

THIRD.

"On Oct. 3, 1905, there was also filed with this office the affidavit of Joe A Black of Caddo, Indian Territory, wherein he states that he is a half brother of the applicant; that in the fall of 1902, he accompanied her to Atoka, Indian Territory, where she appeared before the Dawes Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and that he was in the building occupied by said Commission at the time said application was made by the applicant to said Commission."

The above statement of the Commissioner as to J. A. Black's testimony shows that Hattie Boydstun and Birdie Willis are

corroborated in their statement that Hattie Boydstun appeared before the Commission and applied for enrollment as an intermarried citizen of the Choctaw Nation in November, 1902. It is only necessary to quote J. A. Black's testimony to show that it is even more corroborative than is stated by the Commissioner; as follows:

"I accompanied Hattie Boydstun and her sister, who is now Bertie Willis, to Atoka sometime in the fall of 1902, for the purpose of making an application for Hattie Boydstun for enrollment as an intermarried citizen of the Choctaw Nation. The Dawes Commission was there receiving applications. I was in the building when Hattie Boydstun went before the Commission and made her statement. The building was crowded and I did not hear all that she said in answer to the Commissioner, but I heard enough to know that she told them who she was and that she was an intermarried citizen of the Choctaw Nation."

"I do not know anything about this case except that I was present when the application was made to the Commission."

The absence of a record in the possession of the Commissioner, showing the applicant appeared before the Commission to the Five Civilized Tribes and made application for enrollment before December 25, 1902, is relied upon to overthrow the direct testimony of three witnesses, Hattie Boydstun, Birdie Willis and J. A. Black. Is it not only possible, but very probable that such record is lost? Is it not a matter of record that several such records are missing, and that the Commission and Commissioner have permitted applicants to supply the same and be enrolled?

It has been the mission and purpose of the Commission to the Five Civilized Tribes to determine who are justly and equitably entitled to the benefit of citizenship in the Five Civilized Tribes; hearing applications upon their merits, resolving all doubts resulting from technicalities in favor of the applicant with

a meritorious cause. This being true, the finding of the Commissioner that the applicant herein did not appear before the Commission at Atoka in November, 1902, in the face of all the evidence, can be accounted for only on the theory that such finding is a mistake.

Aside from the above just principle and precedent, the applicant insists that on the showing made in this case that she is legally entitled to have her application for enrollment as an intermarried citizen of the Choctaw Nation heard by the Commissioner to the Five Civilized Tribes, and she asks the Honorable Secretary of the Interior to disapprove the decision of the said Commissioner herein and direct said Commissioner to hear the application of your petitioner, Hattie Boydstun.

Respectfully submitted,

Chas. E. McPherrren,

Attorney for Applicant.

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(Endorsed on back)

Department of the Interior. Secretary of the Interior.

In the matter of the alleged application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

Appeal and Brief of Applicant.

Department of the Interior

RECEIVED

SEP 18 1906.

Eno. No. 5 of No. 17174.

Indian Territory Division.

Indian Office,  
94893 Incl. No. 2 1905.

DEPARTMENT OF THE INTERIOR  
RECEIVED

DEC 23 1905

Eno. No. 3 of No. 17906.

INDIAN TERRITORY DIVISION.

Chas. E. McPherrren,  
Atty. for Applicant.

Muskogee, Indian Territory, August 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

November 16, 1905, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application of Hattie Boydston for enrollment as a citizen by intermarriage of the Choctaw Nation and on January 15, 1906 (I.T.D. 17906-1905) this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith for the consideration of the Department motion filed June 13, 1906, by C. E. McPherran for rehearing and review in the matter of the application of Hattie Boydston for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Choctaw Mem. 76.



Memo. 76.

Muskogee, Indian Territory, October 18, 1906.

Hattie Boydston,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that the Department on October 9, 1906, rescinded its action of January 15, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes of November 16, 1905, refusing to receive or consider any application for your enrollment as a citizen by intermarriage of the Choctaw Nation, and remanded said case for reconsideration and readjudication under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

In accordance therewith you are advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, October 29, 1906, at nine o'clock A. M., hear the testimony of such witnesses and receive such other evidence as may be submitted in support of your application.

Your attorneys, Guy P. Cobb of Ardmore, Indian Territory, and Charles E. McPherron of Caddo, Indian Territory, have been forwarded similar notices.

Respectfully,

Commissioner.

Memo. 76.

Muskogee, Indian Territory, October 18, 1906.

Guy P. Cobb,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

The Department on October 9, 1906, in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), set aside its decision of January 15, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes of November 16, 1905, refusing to receive or consider any application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, and remanded said case for reconsideration and readjudication under the above Act.

In accordance therewith you are advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, October 29, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

LBA 18-5.

Commissioner.

Memo. 76.

Muskogee, Indian Territory, October 18, 1906.

Charles E. McPherrren,  
Attorney at Law,  
Caddo, Indian Territory.

Dear Sir:

The Department on October 9, 1906, in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), set aside its decision of January 15, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes of November 16, 1905, refusing to receive or consider any application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Chectaw Nation, and remanded said case for reconsideration and readjudication under the above act.

In accordance therewith you are advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, October 29, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

LBA 18-4.

Commissioner.

Memo. 76.

Muskogee, Indian Territory, October 18, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

The Department on October 9, 1906, in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), set aside its decision of January 15, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes of November 16, 1905, refusing to receive or consider any application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, and remanded said case for reconsideration and readjudication under the above Act.

In accordance therewith you are advised that the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, October 29, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

Commissioner.

(COPY-DeB)

In the matter of the Application of Hattie Boydstun  
to be Enrolled as an intermarried citizen of the Choctaw Nation.

Indian Territory.

Central District.

SS.

Affidavit of Chas. E. McPherren  
to Service of Copy of Motion et  
reconsider, review, rehear and Enroll  
in the above cause.

I, Chas. E. McPherren, attorney for the applicant herein,  
hereby certify that I have this day forwarded to Mansfield, Mc-  
Murry and Cornish, at South McAlester, Ind. Ter., attorneys for  
the Choctaw and Chickasaw Nations, a true and correct copy of the  
Motion to rehear, reconsider, review and enroll the applicant;  
that the said copy was forwarded to the said attorneys by register-  
ed letter, properly stamped and addressed, through the Post Of-  
fice; that the receipt for the said letter from the Post Master  
at Caddo, Ind. Ter is hereto attached.

Witness my hand this the 13th day of June, 1906.

Chas. E. McPherren.

Sworn and subscribed to before me this the 13th. day of June,  
1906.

A. E. Richey,

(SEAL).

Notary Public.

(COPY-DeB)

DEPARTMENT OF THE INTERIOR,

Memo. No. 76.

In the matter of the Application )  
for Enrollment of Hattie Boydston )  
as a citizen by intermarriage of )  
The Choctaw Nation. ) Motion to re-consider, re-  
hear and enroll.

Comes now the applicant herein, Hattie Boydston, and represents that she is an applicant for enrollment as an intermarried citizen of the Choctaw Nation; that she has heretofore applied for enrollment as such in November, 1902, to the Commission to the Five Civilized Tribes at Atoka, Ind. Ter., the record of which appearance before the said Commission having been lost or destroyed; that the applicant herein again applied for enrollment as such intermarried citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes on the 5th day of May, 1905, of which appearance and application and the proceedings thereon the Commissioner to the Five Civilized Tribes has a full record.

That the Commissioner to the Five Civilized Tribes on the 16th day of November, 1905, found that the evidence adduced by the applicant that she had theretofore appeared before the Commission to the Five Civilized Tribes in November, 1902, was "Not sufficient to establish that application was made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of said Act of Congress approved July 1, 1902 (32 Stats., 641), and that no authority exists at this time for the receipt of the application for her enrollment."

Applicant further states that it is admitted that she made application for enrollment as an intermarried citizen of the Choctaw Nation on May 9, 1905; that she was regularly married to a Choctaw Indian by blood and was a resident of the Choctaw Nation

and entitled to enrollment as such; that her application for enrollment as an intermarried citizen of the Choctaw Nation was refused for the sole reason that the Commission to the Five Civilized Tribes had no authority at that time to receive and consider an original application for enrollment as an intermarried citizen of the Choctaw Nation.

That under the provisions of a recent act of Congress, approved by the President and commonly known as the "Curtis Bill", authority is vested in the Honorable Commissioner to the Five Civilized Tribes and the Honorable Secretary of the Interior to receive an application such as the applicant's herein, and the applicant herein therefore prays that the decision of the Commissioner to the Five Civilized Tribes heretofore rendered in this cause on November 16, 1905, refusing to receive applicant's petition, be re-considered; that her application be received and her cause heard, and that she be enrolled as an intermarried citizen of the Choctaw Nation.

Respectfully submitted,

Chas. E. McPherrren,

Attorney for Applicant.

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(Endorsed on Back)

Memo. 76.

In the matter of the Application for the Enrollment as an intermarried Citizen of the Choctaw Nation of Hattie Boydston.

Copy. Motion to reconsider, review, rehear and Enroll.

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes,  
F I L E D  
JUN 14, 1906  
Tams Bixby,

Commissioner.

Chas. E. McPherrren,  
Atty. for Applicant.



COPY

Muskogee, Indian Territory, June 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

November 16, 1905, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application of Mattie Boydstun for enrollment as an intermarried citizen of the Choctaw Nation and on the same day the record in this case was forwarded the Department, and this action was approved by the Secretary of the Interior November 16, 1905.

I now have the honor to transmit herewith for Departmental consideration motion of Guy P. Cobb, attorney for applicant, for re-opening and reconsideration of the case under Section 1 of the act of Congress approved April 26, 1906.

Respectfully,

SIGNED *Tamie Birby*

Commissioner.

Mem 76.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

JUN 10 1906

Commissioner.

THE CHIEF OF BUREAU.

77 4 211580

DAVIDSON

TO THE CHIEF OF BUREAU.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application  
for the enrollment of Hattie Boydston  
as a citizen by intermarriage of  
the Choctaw Nation.

MOTION TO RE-OPEN  
AND  
RE-CONSIDER

Comes now, Hattie Boydston by her attorney Guy P. Cobb, and moves that the above entitled case be re-opened and the decision of the Commissioner be re-considered, and that she be enrolled as an intermarried citizen of the Choctaw Nation under the provisions of Section one, of the Act of Congress approved April 26th, 1906, upon the following grounds. First, application for enrollment in this case was made prior to December 1st, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes show application to have been so made, and the case under consideration is clearly within the general provisions of the Section above referred to. Second, that the applicant was married in accordance with the laws and customs of the Choctaw Nation to a recognized citizen of said Nation, and that such marriage was equivalent to her name appearing on the Tribal Rolls, that the application in this case was made prior to December 1st, 1905, and was not allowed solely because not made within the time prescribed by law, and that the case now under consideration comes within the final proviso of the Section above referred to.

Guy P. Cobb,

Attorney for applicant.

D.C.45074-1906

G.R.

FHE.

I.T.D.17906-1906  
17174-1906

DEPARTMENT OF THE INTERIOR

Washington. October 9, 1906

J.P.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In view of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137), and in accordance with the approved opinions of the Assistant Attorney-General for this Department in the cases of Elsie J. Oakes (I.T.D.14010, dated August 10, 1906) and Birdie Rosenthal (I.T.D.14012, dated August 10, 1906), the motion for reopening and reconsideration of the application, made May 9, 1905, by Hattie Boydston, for her enrolment as an intermarried citizen of the Choctaw Nation, is hereby granted. Departmental action of January 15, 1906 (I.T.D.17906-05), declining to receive such application on the ground that same was not made within the time limited by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), is hereby set aside and the record in the case is remanded to you for reconsideration and readjudication, under the above act. You will advise Guy P. Cobb of Ardmore, Ind.T., attorney for moving party, of this action.

Respectfully,

Thos Ryan

Through the Commissioner  
of Indian Affairs

First Assistant Secretary

1 inclosure

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, OCTOBER 29, 1906.

-----000-----

In the matter of the application for the enrollment of  
Hattie Boydston as a citizen by intermarriage of the  
Choctaw Nation.

APPEARANCES:- ( Guy P. Cobb, Attorney at Law, Ardmore, In-  
dian Territory, on behalf of the applicant.  
( No appearance on behalf of the Choctaw and  
( Chickasaw Nations.

-----  
HATTIE BOYDSTON, being first duly sworn by W. W. Chappell,  
testified as follows:

(By the Commissioner)

Q What is your name? A Hattie Boydston.  
Q How old are you? A 26.  
Q What is your post office address? A My post office  
now is Ardmore.  
Q Where would we write to you if we wanted to reach you.  
A Ardmore.  
Q Through whom do you claim your right to enrollment as a  
citizen by intermarriage of the Choctaw Nation?  
A John F. Boydston.  
Q Is he living? A Yes sir.  
Q What is the name of the father of John F. Boydston?  
A His name is George Boydston.  
Q What is the name of his mother? A Mary Boydston?  
Q Either of them living? A George Boydston is living, his  
father.

John F. Boydston, through whom the applicant claims  
her right to enrollment as a citizen by intermarriage of  
the Choctaw Nation, is identified upon Choctaw Field  
Card No. 3698, opposite No. 10463, approved by the  
Secretary of the Interior February 4, 1903.

Q Where were you married to John F. Boydston? A El Reno.  
Q When were you married to him? A In 1901, I think it  
was, or 1902, it has been five years ago this July.  
Q What day in July? A 4th.  
Q 4th day of July, 1901? A Yes sir.  
Q Who married you? A A judge.

Hattie Boydstun---2.

- Q What was his name? A I do not know what his name is, but he was a county judge.
- Q Who was present when you were married?
- A I didn't know one that was present.
- Q Is your evidence of marriage on file? A Yes sir.
- Q Where were you living at the time you married Mr. Boydstun?
- A I was living in the Choctaw Nation, near Caddo.
- Q Where was he living at that time? A His home was there.
- Q Was he living there? A Yes sir.
- Q And you went to El Reno to get married? A Yes sir.
- Q Where did you live before you married Mr. Boydstun?
- A I lived at Caddo ever since I was six years old.
- Q After you married Mr. Boydstun where did you live?
- A I lived with him at Minco in the Chickasaw Nation and I next went to his aunts and uncles, quite awhile and stayed there with them after we separated.
- Q You were married at El Reno on July 9, 1901? A Yes.
- Q Did you go right back to the Choctaw Nation? A To the Chickasaw.
- Q Chickasaw? A Yes sir.
- Q At what place? A Minco.
- Q Did your husband ever live in the Chickasaw Nation before that? A No sir.
- Q Did you ever live in the Chickasaw Nation before?
- A No sir. We ran off from home and got married and we were afraid to go back.
- Q How long did you live in the Chickasaw Nation after you married? A About two months.
- Q Then where did you go? A We went to Texas and stayed eight months, I believe, and then I came back to the Choctaw Nation and stayed about a year, and then I went to Oklahoma.
- Q How long did you live with Mr. Boydstun? A I lived with him,-- it was just a month until we separated the first time, and then we went back together and lived together four months, about two years after that time.
- Q How long has it been now since you lived with him?
- A About three years.
- Q When was this child born that you applied for? A December, 1901. I made a mistake, I lived in the Chickasaw Nation from February until July. Before we were married we lived in Minco.
- Q Had you ever been married before you married Mr. Boydstun?
- A No sir.
- Q Had he? A No sir. We both lived at Minco from February until July, before we were married.
- Q What was the date of your last separation? A October 4, 1904, I guess. 1903.
- Q 1903? A Yes. No. It is 1904, I believe.
- Q What is the name of your mother? A Mollie Black. That was not my name though when I married him. My mother has been married twice.
- Q What was the name of your father? A My father's name was W. N. Blackwell.
- Q Either of them living? A My mother is living.
- Q They both white people--citizens of the United States?
- A Yes sir.

Hattie Boydston---3.

Q I believe you stated that neither of you had ever been married before you married one another? A Yes sir.

Witness excused)

Kate DeBord, stenographer to the Commissioner to the Five Civilized Tribes, being first duly affirmed, states that she correctly reported all proceedings had in the above entitled and numbered cause on the 29th day of October, 1906, and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken on said date therein.

Kate DeBord.

Subscribed and affirmed to before me this 1st day of November, 1906.

Walter W. Chappell.

Notary Public.



(COPY-DeB)

M A R R I A G E   L I C E N S E .

In Probate Court, Canadian County, O. T.

To Any Person Authorized to Perform the Marriage Ceremony,  
Greeting:

You are hereby authorized to join in marriage: John F. Boydstun of Minco, I. T., aged 22 years, and Hattie Blackwell, of Texas, aged 20 years, and of this license you will make due return to my office within thirty days from this date.

Witness my hand and official seal this 9th day of July,  
A. D. 1901.

J. I. Phelps.

Probate Judge.

---

CERTIFICATE OF MARRIAGE.

I, W. H. Grigsby, a Probate Judge of El Reno, Canadian County, Oklahoma Territory, do hereby certify that I joined in marriage the persons named in and authorized by this license to be married on the 9th day of July, 1901, at El Reno in Canadian County, Oklahoma Territory, in the presence of M. A. West of El Reno, O. T. and L. O. Williams of El Reno, O. T.

M. A. West            }  
L. O. Williams)   Witnesses.

W. H. Grigsby.

Territory of Oklahoma,  
Canadian County, SS.

I, J. I. Phelps, Probate Judge within and for the  
above named County and Territory, hereby certify that the

--2--

above and foregoing is a true and correct copy of the marriage license issued to the parties therein named and marriage certificate recorded on the date therein named as the same appears of record at page 154 in Marriage Records No. 4 in my office.

Given under my hand and official seal on this 26th day of April 1905.  
(SEAL)

J. I. Phelps,  
Probate Judge.

---

(endorsed)

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
F I L E D

MAY 2, 1905.

James Bixby, Commissioner.

COPY.

Mem. #76.

Muskogee, Indian Territory, November 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The Commissioner on November 16, 1905, transmitted for Departmental review, the record of the proceedings in the matter of the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, including his order of November 16, 1905, declining to receive or consider said application.

I now transmit for the consideration of the Department in connection with the record heretofore forwarded in this case, a brief and argument of Charles E. McPherron, the attorney for the applicant Hattie Boydston.

Respectfully,

W. O. Beall

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.  
Mm 27

Memorandum

#76

COPY.

Muskogee, Indian Territory, November 22, 1906.

Charles E. McPherrren,  
Attorney at Law,  
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, transmitting a brief and argument on behalf of the applicant in the matter of the application for the enrollment of Hattie Boydston as an intermarried citizen of the Choctaw Nation, which you request be forwarded to the Secretary of the Interior for his consideration.

You are advised that the same has this day been transmitted to the Department for consideration in connection with the record in the matter of the alleged application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

*W. O. Beall*

Acting Commissioner.

Memo. 76.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the alleged application for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on May 9, 1905, Hattie Boydstun appeared before the Commission to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

November 16, 1905, the Commissioner to the Five Civilized Tribes rendered his decision therein refusing to receive or consider the application for the enrollment of said applicant as a citizen by intermarriage of the Choctaw Nation, inasmuch as the evidence failed to establish that application was made for her enrollment within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641). Said decision was affirmed by the Department January 18, 1906 (I.T.D. 17906-1905).

The Department on October 9, 1906 (I.T.D. 17174-1906), in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), rescinded its action of January 18, 1906 (I.T.D. 17906-1905), and remanded the record in said case for reconsideration and readjudication under the above act.

I am of the opinion that inasmuch as it appears from the records in charge of the Commissioner to the Five Civilized Tribes that application was made for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the same should now be determined upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

November 4, 1906.

Memo. 76.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was  
duly made for the enrollment of Hattie Boydstun as a citizen by  
intermarriage of the Choctaw Nation within the time limited by the  
provisions of the Act of Congress approved April 26, 1906 (34 Stats.,  
137).

It further appears from the record herein that on July  
9, 1901, the applicant, Hattie Boydstun, was lawfully married to  
John F. Boydstun, a recognized and enrolled citizen by blood of the  
Choctaw Nation, whose name appears as number 10463 upon the final  
roll of citizens by blood of said nation approved by the Secretary  
of the Interior February 4, 1903; that at the time of said marriage  
both persons above mentioned were residents in good faith of the  
Choctaw Nation; and that the applicant has resided continuously in  
the Choctaw-Chickasaw country from the date of said marriage up to  
and including September 25, 1902.

I am, therefore, of the opinion that Hattie Boydstun  
should be enrolled as a citizen by intermarriage of the Choctaw  
Nation, under the provisions of the Acts of Congress approved June  
28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and  
it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 16 1906

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Memo.-76.

**COPY.**

Muskogee, Indian Territory, November 16, 1906.

Hattie Boydstun,

Ardmore, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 16, 1906, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Hattie Boydstun will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner

Registered.

Incl. Memo.-76.



Memo.-76.

~~COPY~~  
Muskogee, Indian Territory, November 16, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 16, 1906, rendered his decision granting the application for the enrollment of Mattie Boydston as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Mattie Boydston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*James S. Burley*  
Commissioner.

Registered.

Memo.-76

COPY.

Muskogee, Indian Territory, November 16, 1906.

Charles E. McPherron,  
Attorney at Law,  
Caddo, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 16, 1906, rendered his decision granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Hattie Boydston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.

14 /  
Muskogee, Indian Territory, November 16, 1906.

C. E. Davis,  
Attorney at Law,  
Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 16, 1906, rendered his decision granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Hattie Boydston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.

Memo.-76

**COPY**

Muskogee, Indian Territory, November 16, 1906.

C. H. Elting,  
Attorney at Law,  
Caddo, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 16, 1906, rendered his decision granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Hattie Boydston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*Thomas W. Blanton*  
Commissioner.

Registered.

Memo.-76

**COPY.**

Muskogee, Indian Territory, November 16, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 16, 1906, granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Hattie Boydston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

*[Signature]*  
Commissioner.

Registered.

Incl. Memo.-76.

COPY

Muskogee, Indian Territory, November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

November 16, 1905, there was transmitted the record of proceedings had in the matter of the application of Hattie Boydston for enrollment as a citizen by intermarriage of the Choctaw Nation, together with decision of the same date, declining to receive or consider said application. November 22, 1905, a brief and argument filed by Chas. E. McPherron, attorney for applicant, was forwarded the Department. January 16, 1906, this decision was affirmed by the Department.

June 21, 1906, a motion for reconsideration of this case which was submitted by Guy P. Cobb, was forwarded the Department and on August 21, 1906, a motion for rehearing, submitted by Chas. E. McPherron, was transmitted to the Department.

October 9, 1906 (I.T.D. 17174-1906), the record in this case was returned for readjudication under the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137).

October 29, 1906, a hearing was had and there is transmitted herewith the record in this case together with

-2-

additional proceedings and decision of November 4, 1906, of the Commissioner to the Five Civilized Tribes holding that application was made for the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation within the time provided by the Act of Congress approved April 26, 1906 and the decision of November 16, 1906, enrolling said applicant as a citizen by intermarriage of the Choctaw Nation.

The parties in interest have been notified of this decision and the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from that date within which to file protest, and if at the expiration of that time no protest has been filed the name of Hattie Boydstun will be placed upon a schedule of citizens by intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED *Tamox Bixby*

Commissioner.

Through the  
Commissioner of Indian Affairs.  
Memo. 76



K. H. M.

DEPARTMENT OF THE INTERIOR,

D. C. 5759-1907.

I. T. D. 1174-1907.

WASHINGTON.

FHE.

January 23, 1907.

L. R. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

November 23, 1906, you resubmitted the record in the matter of the application for the enrollment of Hattie Poydstun as a citizen by intermarriage of the Choctaw Nation, together with your decision of November 16, 1906, holding that application was made for her enrollment within the time provided by the act of April 26, 1906 ( 34 Stats., 137), and that she was entitled to enrollment.

Reporting January 17, 1907 (Land 104437-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision in favor of the applicant is hereby affirmed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 for Ind. Of.

931/96.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

7-6060

LAND:  
104437-1906.

Washington.

January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated November 23, 1906, forwarding the record in the matter of the application of Hattie Boydston for enrollment as a citizen by intermarriage of the Choctaw Nation, and the decision of the Commissioner to the Five Civilized Tribes, dated November 16, 1906, enrolling the applicant as a citizen by intermarriage of the Choctaw Nation.

The record shows that on May 9, 1905, Hattie Boydston appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 ( 32 Stat.L., 641).

On November 16, 1906, the Commissioner to the Five Civilized Tribes rendered his decision refusing to receive or consider the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, inasmuch as the evi-

dence failed to establish that application was made for her enrollment within the time limited by the provisions of the Act of Congress approved July 1, 1902 ( 32 Stat.L., 641).

The Department affirmed the decision of the commissioner to the Five Civilized Tribes on January 15, 1906 (I. T. D. 17906-1905).

In view of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Department, on October 9, 1906, (I. T. D. 17174-1906), rescinded its action of January 15, 1906, and remanded the record in this case for reconsideration and readjudication under the above Act.

The record shows that application was duly made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 stat.L., 137).

The record further shows that on July 9, 1901, the applicant, Hattie Boydston, was lawfully married to John F. Boydston, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears opposite No. 10463 on the final roll of citizens by blood of the Choctaw Nation, approved by the Department on February 4, 1903; that at the time of the marriage both Hattie poydston and John F. Boydston were residents in good faith of the choctaw Nation, and that the applicant has resided continuously in the Choctaw-Chickasaw country from the date of her marriage up to and including September 25, 1902.

In view of the facts herein set out, the Office concurs in the decision of Commissioner Bixby that the applicant, Hattie Boydston, should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 ( 30 Stat.L., 495), and July 1, 1902 ( 32 Stat.L., 641).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-EH

7-6060

Wuskogee, Indian Territory, February 20, 1907.

Hattie Boydston,

Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on January 29, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

7-6060

Muskegee, Indian Territory, February 19, 1907.

Mr. P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on ~~January 13~~, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

7-6060

Muskogee, Indian Territory, February 20, 1907.

Charles E. McPherron,  
Attorney at Law,  
Caddo Indian Territory.

Dear Sir:

You are hereby notified that on ~~January 23~~, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.



7-6060

Muskogee, Indian Territory, February 20, 1907.

C. E. Davis,

Attorney at Law,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that on January 23, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

7-6060

Muskogee, Indian Territory, February 20, 1907.

C. H. Elting,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that on January 23, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 20, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 13, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the name of Hattie Boydston has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been submitted to the Secretary of the Interior for his decision and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

Mem 76

Muskogee, Indian Territory, June 3, 1905,

Charles E. McPherran,

Attorney at Law,

Caddo, Indian Territory,

Dear Sir:

In compliance with your request of May 30, 1905, there is inclosed herewith copy of the testimony of Hattie Boydston of May 9, 1905, in the matter of the alleged application for her enrollment as an intermarried citizen of the Choctaw Nation, together with receipt therefor, which please sign and return to this office.

Respectfully,

Commissioner in Charge.

AB 2-3

Muskogee, Indian Territory, July 13, 1905.

C. H. Elting,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

It appears from the records of this office that on May 9, 1905, Hattie Boydstun testified relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation. In her testimony she claims that in May or June, 1902, you, at her request, prepared a written application addressed to the Commission to the Five Civilized Tribes for the enrollment of herself and her son, John Francis Boydstun, Jr., and that said written application was to be forwarded by you to the Commission, and that she supposed you had done so.

Will you kindly advise, at your earliest convenience, whether any such application was prepared by you at the request of said Hattie Boydstun, and forwarded to said Commission at the time stated in her testimony, or at any other time.

Your courtesy in so doing will be greatly appreciated.

Respectfully,

Commissioner.

Env.

Memo. -76.

Muskogee, Indian Territory, September 29, 1905.

Hattie Boydston,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that, before any further action can be taken in the matter of your application, alleged to have been made prior to September 25, 1902, for your enrollment as a citizen by inter-marriage of the Choctaw Nation, it will be necessary for you to introduce additional evidence to establish such fact. If, as it is alleged, Judge Elting of Caddo, presented an application for your enrollment in May or June, 1902, the affidavit or testimony of Judge Elting to this effect should be taken.

This matter should receive your immediate attention.

Respectfully,

Commissioner.

Memo.-76

Muskogee, Indian Territory, September 29, 1905.

Charles E. McPherron,  
Attorney at Law,  
Caddo, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application alleged to have been made prior to September 25, 1902, for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, it will be necessary that additional evidence be introduced showing such fact. If, as it is alleged, Judge Elting of Caddo, presented an application for her enrollment in May or June, 1902, the affidavit or testimony of Judge Elting to this effect should be taken. This matter should receive your immediate attention.

Respectfully,

Commissioner.



Mem. 76

Muskogee, Indian Territory, October 4, 1905.

Charles E. McPherron,

Attorney at Law,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, inclosing affidavits of Joe A. Black and C. H. Elting in the matter of the alleged application of Hattie Boydston for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

Mem 76

Muskogee, Indian Territory, May 3, 1906.

Mrs. Hattie Boydston,  
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 30, 1906, in the matter of your right to enrollment as an intermarried citizen of the Choctaw Nation in which you ask if you can be enrolled under the recent act of Congress.

In reply to your letter you are advised that on November 16, 1905, a decision was rendered declining to receive your application for enrollment as an intermarried citizen of the Choctaw Nation for the reason that the same was not made within the time provided by the act of Congress approved July 1, 1902, and on January 15, 1906, this decision was approved by the Secretary of the Interior. Your case is therefore considered closed and it is not believed that the act of Congress approved April 26, 1906, would affect this case.

Respectfully,

Commissioner.

Mem 76

Muskogee, Indian Territory, May 8, 1906.

C. E. Davis,  
Attorney at Law,  
Ryan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3, 1906, in which you state that you are attorney for Hattie Boydston, former wife of John F. Boydston a citizen of the Choctaw Nation. Mrs. Boydston informs you that she has heretofore been rejected for the reason that there was no law under which she might be permitted to register and now claims the right to be enrolled under the act of Congress approved April 26, 1906; you therefore ask what steps will be required in order to present the application for her enrollment.

In reply to your letter you are advised that on November 16, 1905, the Commissioner to the Five Civilized Tribes entered an order declining to receive the application for the enrollment of Hattie Boydston as an intermarried citizen of the Choctaw Nation which action was approved by the Secretary of the Interior, January 15, 1906. This case is therefore considered closed, and it is not apparent that the act of Congress approved April 26, 1906, provides for the enrollment of this class of persons.

Respectfully,

Mem 76

Muskogee, Indian Territory, June 21, 1906.

Guy P. Cobb,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, 1906, transmitting motion to reopen and reconsider an application for the enrollment of Hattie Boydston as an intermarried citizen of the Choctaw Nation and the same has this day been transmitted the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 21, 1906.

Charles E. McPherrren,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 13, 1906, inclosing motion for the reconsideration of the application of Hattie Boydstun for enrollment as an intermarried citizen of the Choctaw Nation and the same has been forwarded the Secretary of the Interior.

Respectfully,

Commissioner.

K. H. M.

DEPARTMENT OF THE INTERIOR, WHE.

D. C. 5759-1907.

I. T. D. 1174-1907.

WASHINGTON.

January 23, 1907.

L. R. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

November 23, 1906, you resubmitted the record in the matter of the application for the enrollment of Hattie Poydstun as a citizen by intermarriage of the Choctaw Nation, together with your decision of November 16, 1906, holding that application was made for her enrollment within the time provided by the act of April 26, 1906 ( 34 Stats., 137), and that she was entitled to enrollment.

Reporting January 17, 1907 (Land 104437-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision in favor of the applicant is hereby affirmed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 for Ind. Of.

931/96.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington.

LAND:  
104437-1906.

January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated November 23, 1906, forwarding the record in the matter of the application of Hattie Boydston for enrollment as a citizen by intermarriage of the Choctaw Nation, and the decision of the Commissioner to the Five Civilized Tribes, dated November 16, 1906, enrolling the applicant as a citizen by intermarriage of the Choctaw Nation.

The record shows that on May 9, 1905, Hattie Boydston appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 ( 32 Stat.L., 641).

On November 16, 1905, the Commissioner to the Five Civilized Tribes rendered his decision refusing to receive or consider the application for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation, inasmuch as the evi-



dence failed to establish that application was made for her enrollment within the time limited by the provisions of the Act of Congress approved July 1, 1902 ( 32 Stat.L., 641).

The Department affirmed the decision of the commissioner to the Five Civilized Tribes on January 15, 1906 (I. T. D. 17906-1905).

In view of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Department, on October 9, 1906, (I. T. D. 17174-1906), rescinded its action of January 15, 1906, and remanded the record in this case for reconsideration and readjudication under the above Act.

The record shows that application was duly made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137).

The record further shows that on July 9, 1901, the applicant, Hattie Boydston, was lawfully married to John F. Boydston, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears opposite No. 10463 on the final roll of citizens by blood of the Choctaw Nation, approved by the Department on February 4, 1903; that at the time of the marriage both Hattie Boydston and John F. Boydston were residents in good faith of the Choctaw Nation, and that the applicant has resided continuously in the Choctaw-Chickasaw country from the date of her marriage up to and including September 25, 1902.

In view of the facts herein set out, the Office concurs in the decision of Commissioner Pixby that the applicant, Nettie Roydston, should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 ( 30 Stat.L., 495), and July 1, 1902 ( 32 Stat.L., 641).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERM-EH

7  
7-6060 7-2198  
7-3874 7-1511  
7-3712 7-5729  
7-5331 7-441  
7-6054

Muskogee, Indian Territory, February 22, 1907.

Guy P. Webb,

Araders, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 14, 1907, asking if the names of Mattie Boydston, Daisy Weseley, Ella Standley, Aggie Cobb, Della Wasey, Ruthie Jones, Elsie J. Oakes, Clara E. Campbell and James S. Mathews have been placed upon a schedule of citizens of the Choctaw Nation to be forwarded to the Secretary of the Interior.

In reply to your letter you are advised that on February 12, 1907, the Secretary of the Interior approved the enrollment of Mattie Boydston, Daisy Weseley, Ella Standley, Della Adams, Elsie J. Oakes and Clara E. Campbell as citizens by intermarriage of the Choctaw Nation.

You are further advised that the names of Agnes Cobb and Ruthie Jones have been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been forwarded to the Secretary of the Interior, and you will be notified when their enrollment is approved by him.

G. P. C. #2

G. P. C. You are further informed that on April 23, 1906, the Commissioner to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of James S. Mathews as an intermarried citizen of the Choctaw Nation and on the same date the record in this case was forwarded to the Department, where it is still pending.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1907.

In the matter of the enrollment of Hattie Boydstun as a citizen by intermarriage of the Choctaw Nation, and the allotment of lands to the said Hattie Boydstun, Choctaw Roll by Intermarriage No. 1622.

The Commissioner

to the Five Civilized Tribes.

Sir:

The records of this office show that on May 9, 1905, Hattie Boydstun appeared before the Commission to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641). At this hearing the applicant was represented by Charles E. McFerrin, as attorney.

On November 16, 1905, the Commissioner to the Five Civilized Tribes rendered his decision refusing to receive or consider said application for the reason that the evidence failed to show that any original application for her enrollment as a citizen by intermarriage of the Choctaw Nation had been made within the time limited by the provisions of the

act of Congress above referred to. This decision of the Commissioner was affirmed by the Department January 15, 1906 (I. T. D. 17906-1905).

On June 21, 1906, Charles E. McPherren, attorney for the applicant, filed a motion for a rehearing, and submitted brief and argument in support thereof. This appears to be the last action of Charles E. McPherren as attorney in the case so far as the records of this office show.

On August 21, 1906, Guy P. Cobb also filed a motion for a rehearing in said case, and on October 9, 1906, the Department rescinded its former decision and remanded the case for rehearing and re-adjudication under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), (I. T. D. 17906-1905).

On October 29, 1906, a rehearing was had at the General Office of the Commissioner at Muskogee, Indian Territory, at which time the applicant and her witnesses, together with her attorney, Guy P. Cobb, appeared and submitted additional evidence in the case.

The Commissioner to the Five Civilized Tribes on November 4, 1906, rendered his decision that application was made for the enrollment of Hattie Boydston as a citizen by intermarriage of the Choctaw Nation within the time limited

by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and ordered the case determined upon its merits; and on November 16, 1906, the Commissioner rendered a further decision ordering the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation, which enrollment was approved by the Secretary of the Interior February 12, 1907.

The records of this office further show that on March 12, 1907, Hattie Boydstun appeared at the Chickasaw Land Office, Ardmore, Indian Territory, and made a tentative selection of certain land of the value of \$500.00, which selection was designated as homestead; said tentative filing was numbered 13, and the lands so filed had previously been filed on by Daniel Webster Holloway, Choctaw Minor Child Roll No. 269, whose name was stricken from the approved rolls of citizens of the Choctaw Nation under Departmental instructions of March 4, 1907, and further action relative to this allotment was suspended under Departmental instructions of June 14, 1907.

On March 13, 1907, there was allotted to Hattie Boydstun, Choctaw Roll by Intermarriage No. 1622, as an allotment exclusive of the homestead, certain lands in the Chickasaw Nation of the value of \$540.69, thereby making the



appraised value of the lands applied for and selected in the name of the said Hattie Boydstun amount to \$1040.69.

The records of this office do not show the appearance of Guy P. Cobb, as attorney for the applicant, in any matters pertaining to the selection of her allotment.

Respectfully,

*Harmon P. Clary.*

Chief Clerk Choctaw-  
Chickasaw Division.

DS(VR)

**Subject:**  
Complaint of Hattie Boydston  
against Guy P. Cobb in regard  
to certain land in the Choctaw  
Nation.

---

Muskogee, Oklahoma, December 7, 1907.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:-

Receipt is acknowledged of your letter of November 1, 1907  
(I. T. 85616-1907), inclosing a communication from Mrs. Hattie Boydston,  
of Hartshorne, Oklahoma, containing certain allegations against Guy P.  
Cobb, of Ardmore, Oklahoma, relative to her surplus allotment, and request-  
ing that this office, after investigation, make report and recommendation  
in the premises.

In reply thereto you are advised that in the matter of the enroll-  
ment of the said Hattie Boydston as a citizen by intermarriage of the Choctaw  
Nation and the allotment of her proportionate share of the lands thereof, the  
records show that on May 9, 1905, she appeared before the Commission to the  
Five Civilized Tribes and presented testimony relative to an application  
alleged to have been made for her enrollment as a citizen by intermarriage of  
the Choctaw Nation within the time limited by the provisions of the Act of  
Congress, approved July 1, 1902 (32 Stat., 641). At this hearing the  
applicant was represented by Charles E. McPherson, counsel.

On November 16, 1905, the Commissioner to the Five Civilized Tribes rendered his decision refusing to receive or consider said application for the reason that the evidence failed to show that any original application for her enrollment as a citizen by intermarriage of the Choctaw Nation had been made within the time limited by the provisions of the Act of Congress above referred to. This decision was affirmed by the Department January 15, 1906 (I. T. D. 17906-1905).

On June 21, 1906, Charles E. McPherron, attorney for the applicant, filed a motion for rehearing and submitted brief and argument in support thereof. This appears to be the last action of Charles E. McPherron as attorney in the case so far as the records of this office show.

On August 21, 1906, Guy P. Cobb also filed a motion for a rehearing in said case and on October 9, 1906, the Department rescinded its former decision and remanded the case for rehearing and readjudication under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137) - (I. T. D. 17906-1905). On October 29, 1906, a rehearing was had at the General Office of the Commissioner at Muskogee, Oklahoma, at which time the applicant and her witnesses, together with her attorney, Guy P. Cobb, appeared and submitted additional evidence in the case.

On November 4, 1906, the Commissioner to the Five Civilized Tribes rendered his decision therein, holding that application was made for the enrollment of Nettie Boydston as a citizen by intermarriage of the Choctaw Nation

within the time limited by the provisions of the Act of Congress, approved April 26, 1906 (34 Stat., 137), and ordered the case determined upon its merits; and on November 16, 1906, the Commissioner rendered a further decision, ordering the enrollment of the applicant as a citizen by inter-marriage of the Choctaw Nation, which enrollment was approved by the Secretary of the Interior February 12, 1907.

The records of this office further show that on March 12, 1907, the said Hattie Boydston appeared at the Chickasaw Land Office, at Ardmore, Oklahoma, and made a tentative selection of certain lands of the value of \$500.00, which selection was designated as a homestead; said tentative filing was No. 13 and the land so filed previously was selected by one, Daniel Webster Holloway, a Choctaw minor child, Roll No. 269, whose name was stricken from the approved roll of citizens of the Choctaw Nation under Departmental instructions of March 4, 1907, and further action relative to this allotment was suspended under Departmental instructions of June 14, 1907.

On March 13, 1907, there was allotted to the said Hattie Boydston as an allotment, exclusive of homestead, certain land in the Chickasaw Nation of the value of \$590.69, thereby making the appraised value of the lands applied for and selected in the name of the said Hattie Boydston amount to \$1,040.69.

From the above record it is evident that the transaction made the subject of the complaint of the said Hattie Boydston is one of common practice.

Guy P. Cobb, without question, acted as counsel for the complainant on a contingent fee of the surplus allotment after an adverse decision had been rendered as to her citizenship, and while the charge made by him, under the circumstances, appears exorbitant for the work performed, it has many precedents. The complainant received \$2,000.00 after the sale of her surplus allotment, which is unusual, as the common charge for similar work is the right to dictate the filing of the surplus allotment selection and to secure title to the same by deed immediately upon leaving the Land Office. From her letter, Mrs. Boydston appears to be a person of high intelligence and it would seem if she had used the diligence in looking into her right to enrollment before the employment of Mr. Cobb that she has since, she would have been well able to protect herself.

For the above reasons I find no merit in the complaint of Mrs. Boydston, and the communication inclosed by you is herewith returned.

Very respectfully,

DHB-GOO  
Enc 3-7

Acting Commissioner.

Choc 6061

Mattie Harton

1-10-07 Granted

1-19-07 Record forwarded Dept.

3-04-07 Decision Commissioner reversed  
by Dept and schedule containing  
names of these applicants disapproved

3-01-09 Dept. requests report

4-22-09 Report to Dept.

6-02-09 Dept. holds case is not  
analogous to Goldsby case and  
declines to take action looking to  
enroll. of applicants

6-16-09 Parties notified

Trans from 7R 475 dan 26, 1907

6061

Commission to the Five Civilized Tribes.

South McAlester, Ind. Ter.

In the application of Franklin M. Horton for enrollment as a Choctaw, being sworn and examined by Com'r McKennon he states:

Q What is your name? A Franklin M. Horton.

Q How old are you? A Fifty-two.

Q Are these your children that you have named? A Yes sir.

Q Name them according to their ages, commencing with the oldest?

A John Horton, sixteen years old; James Horton, fourteen years old; Rachel Horton, twelve years old; Mattie Horton, my wife, thirty-two years old; Mary M. Horton, three years old.

Q Does your wife claim to be Choctaw by blood? A Yes sir.

Q Is she here? A No sir. She is at home in the Chickasaw Nation.

Q Your wife claims citizenship by blood? A Yes sir.

Q Do you know what degree of blood she claims? A No sir.

Q Were she and her children ever admitted by an act of Council?

A Not that I know of.

Q Were they ever enrolled before 1896? A Not that I know of.

Q If they were I don't know it.

Q Did they draw the leased District money? A They did.

And we were in Colorado at that time. I went from the Chickasaw Nation there for my health, and my family were in Colorado with me.

Q The enrollment by this last Commission was the first enrollment ever made of them? A The second Commission enrolled them.

Q Were you at Tushkahomah when it was ordered? A No sir, I was at home.

Com'r McKennon: By act of Choctaw Council approved November 4th 1897, another commission was created to make a final and complete roll of all citizens of the Choctaw Nation, and was authorized to revise all the rolls theretofore made. The roll made by the com-



Franklin E. Horton (2)

mission created by the act of Council approved October 30th, 1896, was first furnished to the Dawes Commission by the Governor; the roll made by the Commission, approved September 4th 1897, is that in charge of the Choctaw Commission now with the Dawes Commission, and has been used all the time when deemed expedient by the Commission.

Q Were you notified to appear before the Commission and did you do so? A I wasn't notified, but my family appeared there.

Q They were then stricken from the rolls? A Afterwards I learned that they were.

Q You had a hearing there did you not? A I suppose that is what was done. We had no evidence.

Q Why did you have no evidence? A They said they had no use for it is the way I understood it.

Gen'l McKennan: Mattie Horton and her children, Rachel S. Horton, Mary M. Horton; Jennie Horton; and Jimmie Horton, never having been admitted by act of Council, and never having been enrolled prior to the roll made under act of Choctaw Council approved October 30th 1896, their enrollment was without authority of law, the Choctaw Nation at that time having no authority to admit any one to citizenship, or place upon the rolls anyone who had not been by the constituted authorities of the Government admitted to citizenship, and their enrollment is refused.

Q You have a child born to you since this enrollment was made in 1896? A Yes sir.

Q What is its name? A Nancy Ella Horton.

Q What is the date of its birth? A 16th of February, 1899.

Gen'l McKennan: It was born to a non-citizen, and its enrollment will be refused also.

The name of Mary Ann S. Thompson also appears upon the roll

Franklin M. Horton #3)

of 1896, page 401, #15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation, and is a white woman; her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the case of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, #14658, he being the husband of Mattie Horton, whose enrollment is also refused.

+ + + + +

Department of the Interior,

Commissioner of the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. McMeen

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Harrison S. Thompson et al for enrollment  
J. B. Jackson  
as Choctaws; being sworn and examined by Com'r McKennon states:

Q That is your name? A J. B. Jackson.

Q How old are you? A Fifty-five.

Q Were you National Secretary of the Choctaw Nation in October  
1896? A Yes sir, I think I was.

Statement

Testimony by A. Talbot: Solomon Hoper was National Secretary in  
January, 1897.

Q Chas Com'r Lewis: Didn't you resign the Secretary's office  
during council? A No sir, it was after Council.

Examined by Com'r McKennon:

Q Now present here what purports to be I believe a copy of a  
certificate given by you October 24th, 1896, of the enrollment of  
Mattie Horton, John Horton, James Horton and Rachel Horton; do you  
know anything about making such a certificate as that?

(Com'r hands witness certificate.)

A No sir.

Q Do you know anything about this book, did you have this book  
in your study at that time as National Secretary of the Choctaw  
Nation? A (Hands witness book.)

A I suppose it was.

Q Do you recognize this book from an examination of it?

A I remember we used to have several copies, but I couldn't say  
this is the book.

Q Did you know the names of the parties who were appointed to  
make the roll of Choctaw citizens in 1896, appointed by the Gov-  
ernment? A There was an act passed by the Council authorizing  
the Chief to appoint commissioners to take a census in 1896 in  
every county; in Skullyville County I remember the commissioners.

Q Was there a general committee appointed? (Chas Com'r Lewis  
states that there was a committee appointed in each county.)



Marietta S. Thompson et al- J.B. Jackson witness #2)

Q Do you remember who they were in Atoka County?

A No sir.

Q What was done with the rolls, were they turned in from the counties?

A I suppose all the books were turned into the Secretary's office.

Q Were the rolls turned in by them confirmed by the Council or not?

A I don't remember, I believe it was though; I don't remember though.

It seems to me the book was presented to the Council by the committee, but I don't know who was the committee.

Examined by Chas. Com'r Lewis:

Q Don't you remember that the first enrollment was rejected by the Council and McCurtain had a new board appointed, five in each district, and they took another enrollment?

A Yes sir, that was the next month, under Gardner's administration. The act passed authorized the Chief to appoint commissioners to take a census in each county, and that committee went to work and got through and reported to the Council, that comes under McCurtain's administration, and I don't know what was done with the report.

Q But you know there was another board appointed and all the work was done over?

A Yes sir.

Examined by Att'y McClure:

Q These reports by counties, of that Census Committee, were they turned to you, as National Secretary, by anybody?

A All the commissioners appointed by the Chief they presented them to the Council I think.

Q Did the Council make any disposition of them that you know of?

A I don't remember.

Q As National Secretary did you have any of these county records?

A I suppose so, I don't remember.

Q How did you receive those you took?

A They must have been

Margaret S. Thompson et al J. B. Jackson witness (3)

presented to me by the commissioners, but I don't remember.

Q Did you receive any such records as that from the council?

A Not that I remember.

Q Wasn't Council in session when these records were made by these these county committees? A I suppose it must have been; the month of September was an extra session; the commission was appointed by the Chief, Gardner, and they went to work, and must have got through in October, and then a report was made to the Council; regular session was in October, commencing the first Monday in October.

Q What time did Governor Mountain qualify as acting Chief?

A I expect it must have been October, 1896.

Q What time of October? A I don't remember.

Q You don't know whether you had in your custody as National Secretary any of those records made by these committees, or not?

A I don't remember, it was the general case that all of those records went to the National Secretary, and then the committee appointed to get the books out of the office and examine them.

---  
Davis Homer being sworn and examined stated:

Q What is your name? A Davis Homer.

Q How old are you? A Thirty-five.

Q What position did you hold in 1896 in the Choctaw Nation?

A Not anything.

Q You then don't know anything about these records here from any official act of yours? A Only as attorney for certain applicants.

Q Were you attorney for those people that are applying? A Yes.

Q In this the book that you understand they was taken from?

A Yes sir, that is the book; if I mistake not Mr. Telle was the first man that came and enrolled his name, and he happened to enroll on the colored man's book, and it was changed to that.

book; I think it shows there.

Q Com'r Lewis: Did they commence at Atoka? A Yes sir.

Q Att'y McClure:

Q What do you know about the enrollment of these people here?

A I know about them being placed upon that record.

Q Where was that done? A At Kiowa.

Q This book then was turned into the office at Tinkahunga Tushkahomma by the committee? A Yes sir.

Q Do you know what was done with it there? A It was filed with the National Secretary.

Q Was any action taken upon it by the Council? A I remember a meeting was held after Council adjourned, one commissioner out of each county met with the Governor in 1896 after Council adjourned, and had some conference over the disposition of it, but I went home.

Q You don't know what was done with those at all? A They was checking it off I think; that's all I know.

Q Do you know anything of these having been rejected, and a new committee appointed? A No sir, I do not.

Examined by Com'r Lewis:

Q You know there was another committee appointed don't you? And the whole work done over again? A Yes sir, I believe there was such a commission.

Q That was a second enrollment? A Yes sir.

Examined by Com'r McKenna:

Q Were these people ever put on any roll up to that time?

A I think not.

Q They had not? A No sir.

Q Was there any act of Council adopting these people? A No sir, only by that Commission.

Q All there is of it is that that Commission placed them upon the roll? A Yes sir.

Com'r McKenna: Here is what purports to be a copy of a

Marcissa S. Thompson et al- J.B. Jackson witness #8)

certificate made by Jacob Jackson, National Secretary of the Choctaw Nation, 24th day of October, 1896, showing an entry on page 126 of the list of citizens made by the committee under Act of Choctaw Council #4, approved September 18th, 1896, of the claims of John D. Thompson, aged twenty-seven years, and Mrs. Marcissa Thompson, aged forty-seven years; on said page there appears the name of John Thompson, aged twenty-seven years, but the name of Mrs. Marcissa Thompson does not appear on that page; on page 74 referred to, in what purports to be a copy of a certificate made by J.B. Jackson, National Secretary of the Choctaw Nation, October 24th 1896, we find the name of Mattie Horton, of John Horton, and of Jimmie Horton, and Rachel Horton's name is found on page 75, which seem to be the names embraced in said certificate. None of these parties were ever admitted by Act of Council or ever before placed upon any roll of the Choctaw Nation, and the placing of their names upon said roll by the committee was without authority of law, as shown by the specific provisions of said Act of Council. Besides, this roll was not confirmed by Act of Council, but on the contrary all of the rolls made in the several counties by the commissioners appointed by said act, with various other rolls previously made by the Choctaw authorities, were specially referred to another Commission created by act of the Choctaw Council, #30, approved October 30th 1896, for re-vision, and the making of a new roll, which was done.

We find the names of Jimmie Horton, p. 146, #5996; Johnnie Horton, p. 146, #5998; Mary M. Horton, p. 146, #5997; Mattie Horton, p. 146, #5993, and Rachel S. Horton, p. 146, #5994.

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Department of the Interior,

Commissioner to the Five Civilized Tribes

I hereby certify upon my official oath as  
Stenographer to above named Commission that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. P. [Signature]*



F.M.Horton, and Family,  
Narcissa S.Thompson and  
John Thompson, Applicants,

vs.

Choc.Rej. Number 475.

Choctaw Nation.

Full and complete evidence is desired by the Commission in this case sufficient to conclusively establish the following matters in controversy.

Marriage of F.M.Horton to Mattie Horton and of Narcissa S. Thompson to a duly recognized Choctaw citizen; also birth of all the minor applicants to parents claimed.

Personal appearance of all applicants <sup>duly</sup> of age is necessary.

Choctaw blood of Mattie Horton, through whom and in what degree, must be clearly proven. Also as to John Thompson.

Exact date of enrollment of all applicants upon any of the tribal rolls, upon what book or books same was originally made, by whom and at what place or places.

Authority of Choctaw officials, court or committee so enrolling such applicants must be fully shown.

Residence <sup>in Indian Territory</sup> of all applicants prior to June 28, 1898 must be clearly and conclusively established.

The foregoing evidence must be such as would be accepted in any Court of competent jurisdiction and must be given at hearing by competent witnesses testifying in person under oath.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T. May 28, 1906.

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In the matter of the application for the enrollment of John T. Oquin and his four minor children, Ollie Adolphus, Agnes M., Mark Leo and Altha S. Oquin as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Fannie M. Oquin as a citizen by intermarriage of the Choctaw Nation.

In the matter of the application for the enrollment of Minnie Lee Leddy as a citizen by blood of the Choctaw Nation.

In the matter of the application for the enrollment of John T. Thompson and his four minor children, Mary F., Charles S., William B. and John M. Thompson as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

In the matter of the application for the enrollment of Sarah Jane Darken and her children, Benjamin Oliver Welch, Maultsia Jane Lawley, Walter Franklin Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elva Darken and Bertrude M. Darken; and her minor grand child, Willie Lawley as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

In the matter of the application for the enrollment of Martha A. Harton and her children, John Franklin Harton, James Willie Harton, Rachel Susan Hunt, Mary Mattie Harton, Nancy Ella Harton and George Pope Harton, and her minor grand-children, Viola Maud Hunt and Bertha May Hunt, as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, Franklin M. Harton, as a citizen by intermarriage of the Choctaw Nation.

In the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation and for the enrollment of his six children, Jesse, Taylor, Forrest, Kate, Rebecca and Sadie Percival, as citizens by blood of the Choctaw Nation.

In the matter of the application for the enrollment of Nannie Vaughan, now Foster, for the enrollment of herself and her five minor children, Hattie, Callie, Stella and Roy Vaughan and Thomas Foster as citizens by blood of the Choctaw Nation.

In the matter of the application for the enrollment of John D. Thompson and his two minor children, John William and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation.

In the matter of the application for the enrollment of William H. McCoy and his four children, Buford T. McCoy, Maud Renville, Cordie Wodley and William McCoy, and his minor grandchildren, Mina McCoy, Robert May McCoy, Clara Renville, Thomas Pembrock Renville, John DeWitt Wodley and James Buford Wodley, as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of the Choctaw Nation.

Proceedings were had before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, in reference to the right to enrollment of the applicants above named as citizens of the Choctaw Nation, in conformity with notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations and as specifically directed by various Departmental letters attached to and made a part of the record herein.

APPEARANCES:

For the applicants, Wirt Franklin, of Apple & Franklin, Muskogee, Indian Territory.

No appearance on behalf of the Choctaw and Chickasaw Nations.

JOHN T. OQUIN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A John T. Oquin.  
Q What is your age? A Born in '72---that would make me 34.  
Q Where do you live? A At Marlow.  
Q How long have you resided in the Indian Territory? A A little over 12 years I believe it is; I came to the Territory in '92, the early part of the year--January.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Fannie May; her maiden name was Calhoun.  
Q What is her present age? A I think she is 28; I would not be positive; I think that's her age.

It appears from the records of the Commission to the Five Civilized Tribes that application was made for the enrollment of John T. Oquin and his wife, May Oquin, at South McAlester, Indian Territory, in September 1899.

- Q How many children have you? A I have four living.  
Q What's the name of the oldest? A Ollie Adolphus.  
Q Is that a boy or girl? A Boy.  
Q How old is he? A He is nine years old, soon be ten, nine now.

It appears from the records of the Commission to the Five Civilized Tribes that application was made for the enrollment of the child of John T. Oquin, by the name of Dolphy Oquin at South McAlester, Indian Territory in September 1899.

Q What other children have you? A Agnes.  
 Q How old is she? A She is six.  
 Q Is she living? A Yes sir.  
 Q The next one? A Mark Oquin.  
 Q Mark Leo, is it? A Yes sir.  
 Q How old is he? A Three years old.  
 Q What's the name of the next one? A Altha S.  
 Q Is that a boy or a girl? A Girl.  
 Q How old is she? A She's about ten months old.  
 Q Are these all the children you have? A Yes sir, that's all the children I have living.  
 Q When was application made for these last three children, Agnes, Mark Leo and Altha S.? A I sent my attorney at Washington some applications, I don't know whether he filed them or not. I made application at Duncan on the 27th, the time they set there, I think on the 28th.  
 Q In the present year? A Yes sir. I made application before, but I don't know whether they were filed or not, with the Commission.  
 Q You have no other children beside these four? A No sir, not living; I have one dead.  
 Q What is the name of that one? A Ruby.  
 Q How long has he been dead? A He died, I think it was in '98; 6 or 7 years ago, I couldn't tell you just exactly.  
 Q Did you ever have a child named Rudolph? A That's the one they called Adolph, its the same child; they got the name wrong.  
 Q When was you married to Fannie May Calhoun? A I was married on the 27th day of August, 1895.  
 Q Was you ever married before you married her? A No sir.  
 Q Was she ever married before her marriage to you? A No sir.  
 Q Is she still living? A Yes sir.  
 Q Have you lived with her continuously? A Yes sir.  
 Q From the date of your marriage up to the present time? A Yes sir.  
 Q Where were you married? A Married at Marlow.  
 Q Have you any evidence of that marriage? A I filed my marriage certificate with my application with the Indian authorities in '96 and if it was ever returned it has been filed with the papers; it is not at home; we filed it with them, I know.  
 Q Have you lived with your family continuously in the Chickasaw Nation since you came here in 1892? A Yes sir.  
 Q Where did you live before you came to the Chickasaw Nation? A Texas.  
 Q Were you born in Texas? A Yes sir.  
 Q When was the exact time you came to the Indian Territory? A I couldn't tell you the exact date; it was in January, '92; I think it was between the 15th and 20th when we arrived; we came through by wagon.  
 Q Had you ever at any time prior to your removal to the Chickasaw Nation been recognized by the tribal authorities of the Choctaw Nation? A No sir.  
 Q What was the first step you took to procure the recognition of yourself and your family as members of the Choctaw Nation?  
 Q My father, father and uncles and me with the bunch, made application to the Indian authorities in the Choctaw Nation.  
 Q When was that? A That was in about the first of December, 1896.

- Q Was that the first step you ever took? A That was the first application we ever made.
- Q Did you make any application to draw the leased district money in '93 paid to the citizens of the Choctaw Nation? A No sir.
- Q You say this application you made to the Choctaw tribal authorities was made in December, 1896? A That's my recollection.
- Q That the first step you took? A Yes sir.
- Q Tell me what was done about that application? A I couldn't tell you, because the older ones taken the lead in the matter.
- Q Have you any personal knowledge of what was done? A They got the witnesses that appeared before the Board of Examiners.
- Q Where was that? A First at Atoka and then at ~~Stanhope~~ Tuskahoma.
- Q When was you first recognized by the tribal authorities of the Choctaw Nation as a citizen? A They mailed us our certificates; we got it about January 6th or 7th or 8th of 1897.
- Q Up to that time you had not been recognized as a citizen? A We had claimed to be Indians, but never had by the Indian authorities. We were not on the record.
- Q What was your father's name? A Thomas J. Oquin.
- Q Did he claim any rights as a citizen? Nothing only by intermarriage.
- Q What is your mother's name? A Mary E. Oquin; Thompson was her maiden name.
- Q You derive any rights you have as a Choctaw citizen through your mother? A Yes sir.
- Q Was your application to the Choctaw tribal authorities included in the application made by your mother? A To the Choctaw authorities?
- Q Yes? A Yes sir, it was, all in at the same time. My certificate was issued on the same paper as my mother's and minor brothers and sisters.

The enrollment of Mary E. Oquin, the mother of the applicant and witness, as a citizen by blood of the Choctaw Nation, was directed by the Secretary of the Interior in his letter of April 4, 1906 (I.T.D. 4222-1906).

- Q Was your name placed upon the 1896 Choctaw Census roll? A Yes sir, I suppose it was, according to that certificate.
- Q Have you got the certificate? A No sir, it was issued right on the lower end of my father's certificate and he sent it in when he made application to the Secretary. It is there with the Commission or in Washington.
- Q Under what name was you enrolled in '96? A John T. Oquin I would not be positive; either John or John T. In most of my correspondence its John Oquin.

The name of John T. Oquin does not appear upon the 1896 Choctaw Census roll of the citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

- Q Was you ever known by any other name? A No sir, my middle name is Thuston, John Thuston.
- Q Under what name was you admitted by the certificate? A It is Oquin, but it might have been John Oquin, or John Thuston Oquin or John T. Oquin. Its been several years since I seen the certificate and I can't remember just how it was on the certificate.

By Mr. Franklin:

- Q You stated a while ago that when this application was made to the tribal authorities you first appeared at Atoka; now when was it you appeared at Atoka, what is the date as near as you can tell? A We went to Atoka sometime in the fall or late in the summer of '96, I can't tell you just the exact date; it was late in the summer or early in the fall.
- Q Did you appear before the Revisory Board at Atoka, or was it the Choctaw Census Commissioners of Atoka County? A I think it was the census committee, I didn't know the difference.
- Q You remember what month that was? A When we appeared there----I think in December.
- Q At Atoka? A It seems to me like it was early in December and then later on at Tuskahoma in December.
- Q How long was it after you appeared at Atoka before you appeared at Tuskahoma? A It wasn't very long---wasn't over a month; I don't recollect just exactly.
- Q I wish you would please name all your brothers and sisters? A Mattie Holloway, she's married; Minnie Lee Leddy; James W. Oquin; Dora Oquin, now Waters; Thomas M. Oquin and Ora May; that's all of them.
- Q Did you ever have any other brothers or sisters? A Not living no sir.
- Q Did you have any that were living in '96 or '97 at the time you appeared before the Choctaw Tribal authorities? A No sir.
- Q Do you know any one by the name of J. E. Oquin or T. E. Oquin? A No sir; J. T. is mine.
- Q If there is a J. E. Oquin or T. E. Oquin on the '96 roll as a member of your immediate family, do you think that that name and yours were meant for the same person? A Yes sir.

By the Commissioner:

- Q How do you think that? A There is no other ones of our family except those I spoke of.
- Q How do you form the opinion that any other name on the roll might be meant for you? A If there was any other it must have been meant for me because there are no more of us. They are a small family and there's no others in the Territory.

The name of T. E. Oquin appears upon the 1896 Choctaw Census roll on page 254, opposite #10029.

- Q I notice in the petition that you forwarded to this office that you also claim that your name and the name of a child, Ollie O. Oquin, were enrolled in '96? A Yes sir, the application of him---I don't know whether his name appeared or not. At the time our certificates were sent to us, his name was left off by the Indian authorities and I employed Mr. W. I. Gilbert of Duncan to go immediately and see if he could have his name put on the roll. He came back and said that he did so. I don't know whether the name appeared there or not, I only had his word for it.

By Mr. Franklin:

- Q When was Ollie Adolphus Oquin born? A Born August 23, 1896.



By the Commissioner:

The name of the child, Ollie O'Dolphus Oquin does not appear upon the 1896 Choctaw Census roll in the possession of the Commissioner to the Five Civilized Tribes.

Witness excused.

JOHN T. THOMPSON, being first duly sworn, testifies as follows:

By Mr. Franklin:

- Q What is your name? A John T. Thompson.  
Q What is your age? A 41 years old.  
Q Are you acquainted with John T. Oquin? A Yes sir.  
Q Are you acquainted with Fannie May Oquin? A Yes sir.  
Q What was her maiden name? A Calhoun.  
Q Do you know anything about the marriage of Fannie May Oquin and John T. Oquin? A Yes sir, I knew them both before they was married; I was present.  
Q Present at the marriage? A Yes sir.  
Q By whom was the ceremony performed? A By a Methodist preacher but I have forgot his name.  
Q Do you remember of having seen a license to the marriage? A No sir, I never saw the license.  
Q When was it as near as you can tell? A It was in '93 I believe, the latter part of 1892 or 1893; I am not sure.  
Q How long before the application was made to the Choctaw tribal authorities for the enrollment of yourself and family was this marriage? A About two years, I think.  
Q You can't remember the preacher's name? A It seems to me it was Grinstead, but I am not sure.

Witness excused.

MARY E. OQUIN, being first duly sworn, testifies as follows:

By Mr. Franklin:

- Q What is your name? A Mary E. Oquin.  
Q How old are you? A I am 54 or 55.  
Q What is your postoffice address? A Marlow.  
Q What relation, if any, are you to John T. Oquin? A He is my son.  
Q How long has John T. Oquin lived in the Indian Territory? A 13 or 14 years---'92 I think we came.  
Q Did he come to the Chickasaw Nation with you at the time you came here? A Yes sir.  
Q Has he lived here continuously since that time? A Yes sir, never has lived any where else.  
Q Is he married? A Yes sir.  
Q What is his wife's name? A Frances May Calhoun.  
Q That was her maiden name? A Yes sir.  
Q Were you present at the marriage of your son, John T. Oquin and Frances May Calhoun? A Yes sir.  
Q Where was the marriage ceremony performed? A At the Methodist church, the parsonage.



Q At what place? A Marlow.

Q By whom was the ceremony performed? A Myer.

Q He was a minister of the gospel, was he? A Yes sir.

Q What was the date of this marriage? A '95, I think, in August.

Q And John T. Oquin and Fannie May Oquin lived together continuously as husband and wife in the Chickasaw Nation since the date of this marriage? A Yes sir, they have lived together all the time.

Q Are you the identical Mary E. Oquin whose enrollment as a citizen of the Chickasaw Nation has heretofore been directed by the Secretary of the Interior? A Yes sir.

Q Whatever rights your son claims are derived through descent from you? A I have about an eighth, I think.

Q Does John T. Oquin your son, claim his right solely as being your son? A Yes sir.

Q Was his application for citizenship to the Choctaw tribal authorities made at the same time that yours was? A Yes sir.

Q And was the action thereon identically the same action? A Yes sir.

Q Did you receive a certificate as to your enrollment from the tribal authorities? A Yes sir.

Q Was the name of your son included in that certificate? A No sir; yes, on the certificate it was.

Q I will ask you to name all your children who were living in 1896 at the time of your application to the Choctaw tribal authorities for enrollment? A John T. Oquin, Mattie Holloway, Minnie Leddy, James Walter Oquin, Dora Oquin Waters, Tommie M. Oquin, Ora May Oquin.

Q Is that all of your children? A Yes sir, all I have living.

Q Did you ever have a child by the name of T. E. Oquin? A No sir.

Q Did you ever know anybody by that name? A No sir, they just got it down wrong; the youngest boy is Tommie M.

Q Have all of your children except John T. Oquin and Minnie Lee Leddy been directed to be enrolled by the Secretary of the Interior? A Yes sir, all but them two.

Q Is your daughter, Minnie Lee Leddy, living? A Yes sir, she's living.

Q What is her father's name? A Thomas J. Oquin.

Q Was the name of Minnie Lee Leddy included in the certificate that you received from the tribal authorities enrolling you in 1896? A Yes sir.

Q Was she ever known by the name of Winnie? A No sir.

Q The only name she was ever known by was Minnie Lee? A Yes sir, Minnie Lee.

Q Has Minnie Lee Leddy any children? A No sir, she has no children.

Q What is her husband's name? A Wilson Leddy.

Q How old is she? A I think she's somewhere about 28 or 29.

Q What is her postoffice address? A Marlow.

Q Did she come with you to the Chickasaw Nation when you came? A Yes sir.

Q Has Minnie Lee Leddy lived continuously in the Chickasaw Nation as a bona fide resident thereof since she came here with you? A Yes sir.

Q How long after she came here did she continue to reside in the Choctaw-Chickasaw country? A She went to Oklahoma and stayed four or five years, then she came back to Marlow.

Q When did she go to Oklahoma? A It's has been four or five years ago--I can't tell you exactly.

- Q Did she live in the Chickasaw country from the time she came here in 1892 up until four or five years ago? A Yes sir.
- Q Lived there continuously? A Yes sir, lived right there at Marlow.
- Q Is she living in the Chickasaw country now? A Yes sir, she's living at Marlow.

Witness excused.

JOHN T. OQUIN recalled:

By Mr. Franklin:

- Q Did your sister, Minnie Lee Leddy, come to the Chickasaw Nation at the same time the other members of the family came? A Yes sir.
- Q How long did she continue to reside in the Chickasaw Nation after you came here? A I am sure she lived here until 1900 and probably later; up to that time, and I think longer.
- Q Did she live continuously in the Chickasaw Nation from 1892 to 1900 and after that? A Yes sir.

Witness excused.

MARY E. OQUIN recalled:

By the Commissioner:

- Q What was your daughter's name in 1896? A Her name was Minnie L. Oquin.

The name of Winnie Liddy appears upon the 1896 Choctaw Census roll in the possession of the Commissioner to the Five Civilized Tribes, page 209 and opposite 8416.

By Mr. Franklin:

- Q What time in '96 did your daughter Minnie marry Wilson Leddy? A January 3rd.
- Q Then at the time of your application to the tribal authorities her name was Minnie Lee Leddy? A Yes sir.

Witness excused.

WILLIAM C. THOMPSON, being first duly sworn, testifies as follows:

By Mr. Franklin:

- Q What is your name? A William C. Thompson.
- Q How old are you? A 67 the 6th of February last.
- Q Are you acquainted with John T. Oquin and Minnie Lee Leddy? A Yes sir.
- Q What do you know about the names of these people being enrolled by the Choctaw tribal authorities in 1896? A They were not enrolled in '96. In December 1896 they made application at Atoka, Indian Territory, for enrollment and they selected me to

go and represent them, that is, to go to Tuskahoma and meet the Choctaw Revisory Board, on or about the 22nd of December, 1896. When we got there they concluded that they would adjourn until the 5th day of January, 1897. I got there on the 5th and on the 6th day I was enrolled, together with some others, and the parties I was representing were enrolled from the 6th on to the 9th of January, 1897.

- Q You mean by that, that the clerical work of putting their names on the roll was performed at that time? A Yes sir, at Tuskahoma.
- Q Were the names of John T. Oquin and Minnie Lee Leddy placed on the roll? A Yes sir, they were placed on the roll and given a certificate in connection with Thomas J. Oquin and his family; that's my recollection of that particular transaction.

Witness excused.

JOHN T. THOMPSON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A John T. Thompson.
- Q What is your age and postoffice address? A I am 41 years old. Live at Marlow, Indian Territory.
- Q How long have you resided in the Indian Territory? A I came here in '90.
- Q Where did you live before that? A Lived in Texas.
- Q Born in Texas? A Yes sir.
- Q Lived there continuously until you removed to the Indian Territory in 1890? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Katie Calhoun.
- Q How many children have you? A Four.
- Q Give me their names and ages? A Mary F. Thompson, born 1888; Charles S. Thompson, born 1889; William B. Thompson, born 1892 and John M. Thompson, born 1894.
- Q Are these children all living? A Yes sir.
- Q Have they lived continuously in the Chickasaw Nation since they came here in 1890? A Yes sir.
- Q What was the maiden name of your wife, Katie Thompson? A Calhoun.
- Q When was you married to her? A I was married in '87.
- Q Where? A In Texas.
- Q What county? A Smith.
- Q Was you ever married before you married Katie Calhoun? A No sir.
- Q Was she ever married before her marriage to you? A No sir.
- Q Have you lived together in the Chickasaw Nation as man and wife since you moved here in 1890? A Yes sir.

The name of the applicant and witness appears upon the 1896 Choctaw Census Roll, opposite 12529, as Jno. Thompson and the names of his children, Mary F., Charles S., William B. and John M. Thompson, appear upon the 1896 Choctaw Census roll as follows:

12530 Mary F. Thompson  
12531 Wm. Thompson  
12532 Charles Thompson  
12533 Jno. M. Thompson.

The name of the witness' wife, appears upon the 1896 Choctaw Census roll as a citizen by intermarriage of the Choctaw Nation, opposite No. 15126, as Kate Thompson.

- Q You say you came to the Chickasaw Nation, Indian Territory, from Smith County, Texas, in 1890? A Yes sir.
- Q When was the first recognition of yourself and family as citizens of the Choctaw Nation by the tribal authorities of the Choctaw Nation? A Well, we made application in 1895 and was enrolled by the Revisory Board in 1896 I believe it was.
- Q What time in '96 was it? A It was late in the year, I forget what time.
- Q Did you take any action personally? A Yes sir.
- Q What did you do? A I went down to Atoka where the Board was I don't know what sort of a board you call it; the board before the Revisory Board; there was three boards set out. I forget what board they called it, but you know what I mean. I was enrolled by the Revisory Board.
- Q When was that? A When I was went down?
- Q Yes? A It was---it seems to me like it was in October, but I am not sure; in 1895.
- Q You just testified it was in 1896? A No sir, not when I went down where this board was in session at Atoka. It was in 1896 when the Revisory Board enrolled me.
- Q What did you do in 1895? A I made application to this citizenship Board.
- Q At what place? A At Atoka.
- Q ~~What did you do in 1895?~~
- Q You say that was 1895? A It seems to me like it was in '95.
- Q When was the first time you and your family were recognized and enrolled as citizens? A It was in '96.
- Q When? A '96.
- Q What time in '96? A I couldn't give you the date to save my life.
- Q Isn't it a fact that the first recognition you and your family had as citizens was at the time you got the certificate from the enrolling commission of the Revisory Board? A That was dated January 7, 1897.
- Q I want to know from you? A Of course, that is the first notice I got.
- Q Isn't that the first time you and your family were ever enrolled? A Yes sir.
- Q What was this enrollment that you refer to in 1895 and 1896? A I just made application, but I was enrolled in 1896, but I never got my certificate until the 7th or 9th of January, 1897.
- Q That is the first time you ever had any evidence of your enrollment? A Yes sir.
- Q Did you have charge personally of your petition to the Revisory Board, or was it in the hands of some one else? A I had an attorney.
- Q Who was your attorney? A Davis J. Homer.
- Q Was your application submitted at the same time as William C. Thompson and the members of his family? A Yes sir.
- Q The facts in reference to your family are the same as those of William C. Thompson? A Yes sir.
- Q What relation are you to William C. Thompson? A We are cousins.

- Q What is your mother's name? A My mother's name was Jane Kerr.
- Q Your mother was a white woman? A A white woman.
- Q What was your father's name? A John Thuston Thompson.
- Q You derive your rights as a Choctaw through your father? A Yes sir.
- Q What relation was your father to William C. Thompson? A I guess he was a first cousin.
- Q What relation are you to Mary E. Oquin? A Brother.
- Q Full brother, same father and mother? A Yes sir.

By Mr. Franklin:

- Q Do you know who was the father of John T. Thompson, Sr.; that would be your grandfather? A Archibald Thompson.
- Q What was your father's mother's name? A Annie Strong.
- Q That was her maiden name? A Yes sir; I will take that back; she was a Thompson before she married him; they was own cousins.
- Q Who were the parents of Archibald Thompson? A Margaret McCoy and Henry Thompson.
- Q Was Margaret McCoy a Choctaw? A Yes sir.
- Q Do you know how much Choctaw blood she possessed? A No sir, I really couldn't answer that question.
- Q What is the common knowledge of your family in regard to that? A Half-breed Choctaw.
- Q Who did Margaret McCoy marry? A Henry Thompson.
- Q What was Henry Thompson? A He was a white man.
- Q What proportion of Choctaw blood do you claim? A Claim about a sixteenth.
- Q Your great grandmother, Margaret McCoy, was a half blood? A Yes sir.
- Q There is a marriage license and certificate on file here which shows that John Thompson and Katie Calhoun were married by J. K. Holcomb on February 17, 1887; are the parties named in this marriage license identical with yourself and your wife, Katie Thompson? A Yes sir.
- Was J. K. Holcomb a minister of the gospel? A Yes sir
- Q Were you married under the laws of Texas? A Yes sir.
- Q Is this certificate that is on file here, showing the enrollment of yourself and family, the certificate that you got from the Revisory Board, or a copy of the certificate you got from the Revisory Board in 1897? A Yes sir.
- Q You say you first appeared before the Choctaw tribal authorities at Atoka? A Yes sir.
- Q Was that the Revisory Board proper at Atoka, or was it the Choctaw census committee for Atoka County? A It was the Choctaw census committee.
- Q Did you appear before two boards? A I made application before the board there at Atoka.
- Q I understand that you made application to the census committee at Atoka? A Yes sir.
- Q When was it, what month of '96? A I couldn't tell you to save my life.
- Q You stated that you got this certificate from the Revisory Board in January--the 6th or 7th, 1897? A Yes sir.
- Q How long before you got this certificate was it that you appeared before the census committee at Atoka? A Well, it must have been several months, but I can't say what month or what day of the month.
- Q Since you have been a resident of the Indian Territory have you

held land without being disturbed? A Yes sir.

By the Commissioner:

- Q Don't you know that a great many other people, who don't claim citizenship, have held land in the same way? A I don't know it to be a fact, but I have heard of that.
- Q In the section of the country where you live, a great many people have been in undisputed possession of land up to the time allotments were made? A I really don't know; I don't think so.

By Mr. Franklin:

- Q Have you ever been required at any time to pay any money to the Choctaw Nation for permission to live in the country and hold lands? A I was when I first came to the Nation.
- Q Did you after the first year? A No sir.
- Q Did you ever act as an officer of the Choctaw Nation? A No sir.

By the Commissioner:

- Q Did you ever hear of people having to pay a permit to live in the Chickasaw Nation? A Yes sir.
- Q Who? A It used to be very common for people to pay permits-- I can not just name them; I have lived by men that paid permits.
- Q Permits to do what? A To live in the Nation, I reckon; it's a kind of tax.
- Q Is that your understanding of what they are paying that tax for? A That's my understanding.
- Q Do you personally know anything about it? A No sir.

Witness excused.

MARY E. OQUIN recalled:

By Mr. Franklin:

- Q What is your name? A Mary E. Quin.
- Q What relation are you to John T. Thompson, Jr.? A He is my brother.
- Q You are full brother and sister? A Yes sir.
- Q His status as a citizen is identical with yours? A Yes sir.
- Q Has John T. Thompson and his family lived in the Chickasaw country since you have and before that time? A He moved there before I did and been living at Marlow ever since.
- Q How long before you moved? A I think it was a year or two-- over a year anyhow.

Witness excused.

CHARLES B. DARKEN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Charles Darken.
- Q How old are you? A Forty-three.
- Q Where do you live? A I live four miles west of Lewis; Lewis is my postoffice.



Q Do you claim to be possessed of any Chectaw blood? A No sir.  
 Q You are a white man? A Yes sir, intermarried.  
 Q What's the name of your wife? A Sarah Jane Thompson.  
 Q How old is she? A Forty-four.  
 Q Is she living? A Yes sir.  
 Q What was her maiden name? A Thompson.  
 Q What was her father's name? A John D. Thompson.  
 Q What was her mother's name? A Narcissa Susan Aaron.  
 Q What relation is your wife to William C. Thompson? A William C. Thompson and John D. Thompson were first cousins.  
 Q Is your wife here? A No sir.  
 Q How many children have you? A Her and I have four living and she has three from her first husband, Welch.  
 Q You say she was married to a man named Welch before she married you? A Yes sir.  
 Q What is the name of the oldest child by Welch? A Benjamin Oliver.  
 Q How old is he? A He's about 27 years---26 or 27.  
 Q What is the name of her next child by Welch? A Maultsia Jane Lawley.  
 Q How old is she? A I believe she is about 24 or 25--I don't know the exact age.  
 Q What's the name of the next child had by Welch? A Walter Franklin.  
 Q How old is he? A He is 23.  
 Q Are these three children here? A No sir.  
 Q Any of them here? A No sir.  
 Q What was Welch's name? A Frank.  
 Q Was he a white man? A Yes sir.  
 Q How many children have you by Sarah Jane Darken? A Four.  
 Q What is the name of the oldest? A John Henry.  
 Q How old is he? A 17.  
 Q The next one? A Charles Bradley, Jr.  
 Q How old is he? A 14.  
 Q What is the next one? A Myrtle Elva.  
 Q How old is she? A She is 9 years old.  
 Q What is the name of the next? A Gertrude M.  
 Q How old is she? A Seven.  
 Q Are these all the children of Sarah Jane Darken? A Yes sir.  
 Q Are any of her children by Welch married? A Maultsia Jane is.  
 Q Has she any children? A Has one.  
 Q What is the name? A William---its a girl.  
 Q How old is she? A I think she's seven past---I don't know the exact age.  
 Q Are those the names of all the members of your wife's family, her children and grandchildren? A Yes sir.  
 Q She has only one grandchild? A Yes sir.  
 Q These 3 children by Welch and 4 by you, all living? A Yes sir.  
 Q Is the child of Maultsia Jane Lawley living? A Yes sir.

Application for the enrollment of the above named persons as citizens of the Chectaw Nation was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in September 1899.

Q You state you are a white man? A Yes sir.  
 Q How do you claim your rights as a citizen? A By intermarriage.  
 Q With whom? A Sarah Jane Thompson.



- Q When was you married to her? A I was first married to her in '87 and remarried in '96 according to the Choctaw law.
- Q Where were you first married? A Tuskahoma.
- Q In 1887? A Yes sir.
- Q Was you living here then? A Yes sir, living in the Choctaw Nation.
- Q Sarah Ann Thompson living here in 1887 when you married her? A Sarah Jane Thompson was. She was living in the Choctaw Nation with her father.
- Q How long had she been living here? A Since the early part of the sixties, I believe, when her father first came here.
- Q What did you say her father's name was? A John D. Thompson.
- Q Is John D. Thompson, your wife's father, living now? A No sir, he is not.
- Q Have you and this family lived here continuously since your marriage in 1887? A Yes sir.
- Q Have you and the members of this family been recognized by the tribal authorities as citizens of the Choctaw Nation? A We were in 1896 at Kiowa when the census committee was there.
- Q Was there any tribal recognition of any character of you and the members of your family prior to that time? A No, only by individuals.
- Q I am talking about the tribal authorities? A Not that I know of.
- Q You were living here in 1893? A I don't know, I went to Montana.
- Q I asked you if you had lived continuously here since 1887? A I made it my home here; I went west and came back.
- Q Have you or have you not, lived continuously in the Chickasaw Nation since 1887? Q All except my trip out there?
- Q When was that? A In '92 and '93. Went out in '92 and came back in '93.
- Q What time in '93 did you come back? A In October.
- Q Were you living in the Choctaw Nation when the leased district payment of \$103 was made? A No sir.
- Q Did you ever try to secure the payment of that for your family? A No sir, it was just after my father-in-law's death.
- Q You stated the first time you were ever recognized, you and the members of your family, as Choctaw citizens, was in '96 at Kiowa? A Yes sir.
- Q What time in '96 was that? A October, about the 12th, I think.
- Q What time in ~~the~~ took place then? A The enrolling commission was there, enrolling citizens of the Choctaw Nation; by evidence and in person we appeared before this commission with the members of this family.
- Q When did you ever hear anything about that the next time? A About which, the enrollment? It was in 1899--we got copies from it then.
- Q When was that? A We got copies of citizenship that we filed in the Chickasaw Nation; some of the family was residing there.
- Q Copies of what was it, you got? A Certificate of enrollment from the Secretary of the Choctaw Nation.
- Q When did you get that? A On the 24th, when these were handed back to the council.
- Q The 24th of what? A Of October 1896.
- Q Have you a copy of the certificate? A Yes sir, haven't got it here; it was given with the entire family and had the great seal of the nation; my brother-in-law said it was filed with the Chickasaw Nation.

- Q Did your wife ever go by any other name than Sarah Jane Darken?  
A Went by the name of Sallie; its a nickname.

The name of the witness's wife, Sarah Jane Darken, does not appear upon the 1896 Choctaw census Roll in the possession of the Commissioner to the Five Civilized Tribes.

The name of the applicant and witness appears as C. B. Darken on the 1896 Choctaw Census Roll page 385, opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The names of John Henry Darken and Charles B. Darken, Jr. appear upon the 1896 Choctaw Census Roll as follows:

3626 Jno. Henry Darken  
3627 Charles B. Darken.

The name of Benjamin Oliver Welch appears upon the 1896 Choctaw Census Roll as follows:

14020 Benjamin Welch.

The name of Walter Welch appears upon the 1896 Choctaw Census Roll as follows:

14021 Walter Welch

The name of Maultsia J. Lawley appears upon the 1896 Choctaw Census Roll as follows:

8348 Maulsey Lawley

- Q When was it that you went before this census committee at Kiowa, what month of '96? A October 12th, I think.  
Q October 12, 1896; was that the first step you had ever taken to procure the enrollment of yourself and the members of your family as citizens of the Choctaw Nation? A Yes sir.  
Q You stated you were married to this woman, Sarah Jane Darken twice? A Yes sir.  
Q When was the first time? A '87, February 27th.  
Q Was you ever married before your marriage to her? A No sir.  
Q Was she ever married before her marriage to you? A Yes sir, she was married to Welch.  
Q Was Welch dead at the time you married her? A No sir.  
Q Were they divorced? A Yes sir.  
Q Do you know that as a fact? A Yes sir.

By Mr. Franklin:

We desire to offer in evidence the decree of divorce.

By the Commissioner:

- Q When was Welch divorced from your wife? A I don't recollect the exact date, its there.  
Q How long before your marriage to her? A I think in '86.  
Q You say the first time you married her was in 1887? A Yes sir.  
Q Who married you? A A minister of the gospel by the name of Hargroves, I believe.

By Mr. Franklin:

We offer in evidence certificate of marriage of Charles B. Darken and Sarah Jane Welch, showing that they were married February 27, 1888, by W. F. Hargrove.

By the Commissioner:

The above certificate is filed, made a part of the record and marked Exhibit "A".

Copy of the decree of divorce between Frank Welch and S. J. Welch is filed, made a part of the record and marked Exhibit "B".

- Q When was you married to her the second time? A October 16, 1896.
- Q You were married to her under a Choctaw tribal license the second time? A Yes sir.
- Q From whom did you obtain the license? A D. C. Moore.
- Q Who was he? A County clerk.
- Q How much did you pay for that license? A \$100.
- Q Who married you? A Linton Telle.
- Q What official position did he occupy? A He was judge.

By Mr. Franklin:

We offer in evidence the Choctaw tribal license and certificate of marriage by A. Telle, County Judge, showing that the parties were married on October 16, 1896.

By the Commissioner:

mentioned

The above license and certificate is filed, made a part of the record and marked Exhibit "C".

- Q Is the case of your family identical with that of William C. Thompson; was the same procedure followed in securing the enrollment of your family as Mr. Thompson's and the other members of the family? A I think we were enrolled by that county census commission before he was in '96 and then again in '97.
- Q Did you get a certificate from the Revisory Board as to the admission and enrollment of the members of your family? A No sir.
- Q What determination was there of the enrollment of the members of your family by any authorities of the Choctaw Nation? A That we were citizens, and issued us a copy by the Secretary after the books were taken back and delivered to him by council.
- Q Did you ever do anything more except when you went before these census enumerators at Kiowa? A No, I never did anything; the family had previous to this.
- Q I am talking about your immediate family? A No sir.
- Q You never applied to the council? A No sir.
- Q The only thing you did to procure the enrollment of yourself and family was when you went before these census enumerators at Kiowa in 1896? A That's all I did; they had power to enroll me by the evidence.
- Q Then you and your family were never enrolled or admitted by this Revisory Board? A They were checked up by that.

- Q Did you ever get a certificate from the Revisory Board? A No sir.
- Q Ever get any certificate from any of the authorities of the Choctaw Nation for the enrollment of yourself and your family? A From the Secretary.
- Q Have you got that? A I told you where it was; its been filed.
- Q Did you ever go to Tuskahoma before the Revisory Board? A No sir.
- Q Any one go there on behalf of your family? A Davis Homer, my counsel.
- Q When? A In '96; this county roll was before the Council.

By Mr. Franklin:

- Q When you appeared before this Choctaw Census Committee of Atoka County at Kiowa, did they issue you a certificate as to your citizenship and the citizenship of your family? A No sir, the Secretary of the Choctaw Nation, Mr. Jackson, issued the certificates; they enrolled us.
- Q Did this certificate of Jacob Jackson, the copy he made, did that purport to be a copy of the 1896 roll? A Yes sir.

By the Commissioner:

- Q Do you know what Mr. Franklin means when he says the 1896 roll? A I suppose that is the county roll.
- Q The county roll the census takers were making---is that what you refer to? A Yes sir.

By Mr. Franklin:

- Q After your enrollment by the County Census Commission of Atoka County, were you also enrolled and was your enrollment passed upon by the Revisory Board? A Yes sir.

By the Commissioner:

- Q How do you know that? A Mrs. Franklin and my brother-in-law were there.
- Q Were where? A At Atoka, when they revised the roll; I went there but it was too late.
- Q When was that? A In the fore part of '97.
- Q What time in '97---what month? A It might have been in '96, just before or just after Christmas; I don't know whether it was in December or January.
- Q That was at Atoka? A Yes sir; I wasn't there at the time.

By Mr. Franklin:

- Q You say that you had this certificate recorded at Tishomingo in the Chickasaw Nation? A Yes sir, my brother-in-law did.
- Q Which one? A Jim Vaughan.
- Q Whose husband was he? A Nannie Vaughan, my wife's youngest sister.
- Q Did this certificate that you got as to your enrollment embrace the families of Franklin M. Harten? A Yes sir.
- Q William E. Percival, John D. Tgepson and Nannie Vaughan? A Yes sir, they took it separate for Percival, but the rest was together.

- Q Did these other parties also appear at Kiowa at the same time you did? A Yes sir.
- Q And there made their first application? A Yes sir, the first application that I know of.
- Q What relation are Sarah Jane Darken, Martha Ann or Mattie Harton, Narcissa Ella Percival and Nannie Foster, formerly Vaughan, and John D. Thompson, Jr.? A She is the oldest sister.
- Q What relation are they to each other? A Brothers and sisters.
- Q They are full brothers and sisters? A Yes sir.
- Q What is the name of their father? A John D. Thompson, Senior? A Yes sir.
- Q What is his middle name? A Duncan.
- Q What is the name of their mother? A Narcissa Susan.
- Q Are they both dead? A Yes sir.
- Q Was Narcissa Susan Thompson an applicant at this same time? A Yes sir.
- Q She has since died? A Yes sir.
- Q When did she die? A She died in 1901, in August, in the Chickasaw Nation.
- Q Who was the father of John D. Thompson, Sr.? A Duncan Thompson.
- Q Who was the mother of John D. Thompson, Sr.? A Shindook--I don't remember her given name.
- Q That was her maiden name? A Yes sir.
- Q Do you know, as a matter of family history, who the mother of Duncan Thompson was? A Margaret McCoy.
- Q That was her maiden name? A Yes sir.
- Q What was Margaret McCoy's husband's name, do you know? A I don't know; this half-breed McCoy married Thompson and he died and she stayed a widow. I don't know his name.
- Q Was Margaret McCoy a Choctaw? A Half-breed.
- Q What was her husband, Thompson? A White man.

By the Commissioner:

- Q How do you know these facts? A From the family talk of my father-in-law.
- Q Purely hearsay? A Hearsay--family history.

By Mr. Franklin:

- Margaret McCoy, then, as you understand it, is the great grandmother of your wife and your wife's brothers and sisters? A Yes sir.
- Q What degree of Choctaw blood does your wife claim? A 1/16.
- Q Are you positive that your wife, Sarah Jane Darken was enrolled along with the other members of your family on the '06 roll; was her name taken down? A Yes sir, her name was given and she was there.
- Q Was her name in the certificate that was issued you by Jacob Jackson, the National Secretary? A Yes sir.
- Q Did you see that certificate yourself? A Yes sir.
- Q Whatever rights her children claim are through her? A Through her.
- Q Do you know of your own knowledge when John D. Thompson came to this country? A No sir, only as a matter of family history--sometime the latter part of the sixties.
- Q If you know, from where did they come? A From Mississippi.
- Q From the time of his arrival in the Choctaw-Chickasaw country in the latter part of the sixties up until his death, where did he live? A Lived in the Chickasaw Nation.



- Q Lived there continuously? A Yes sir.
- Q When did he die? A I think it was in '92--'90 or '92; that's the time I was in the west.
- Q Where was your wife born? A Born in Arkansas.
- Q Did she and Mattie Harton, Narcissa Ella Percival, John T. Thompson and Hannie Foster come with their father to the Choctaw Nation in the latter part of the sixties when he came? A Yes sir, those that were born---some of them I think were born here.
- Q When did you get acquainted with the family? A In '87.
- Q From the time that you have known ~~the~~ John D. Thompson, Sr. and his family, have all of them, including the brothers and sisters, ~~including~~ of your wife whom I named, been residents in good faith of the Choctaw-Chickasaw country? A Yes sir.
- Q Of the Chickasaw or Choctaw? A Chickasaw most of the time.

Witness excused.

FRANKLIN MONROE HARTON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Franklin Monroe Harton.
- Q How old are you? A 61 years old.
- Q Where do you live? A I live at present near Porum in the Cherokee Nation.
- Q How long have you lived there? A About 8 months.
- Q Where did you live before that? A In the Choctaw Nation.
- Q How long did you live there? A Choctaw and Chickasaw Nations since the year '70.
- Q Are you a white man? A I am.
- Q Do you claim any rights as an Indian citizen? A Only through my marriage.
- Q What is the name of the woman you married? A Martha Ann Thompson.
- Q What was her mother's name? A Narcissa Susan Thompson.
- Q What was her father's name? A His name was Aaron, but I don't know what his first name was.
- Q Through which one of your wife's parents does she claim her Indian blood? A Thompson.
- Q What was your wife's father's name? A John D. Thompson.
- Q Through which one of your wife's parents does she obtain her Choctaw blood? A Her father.
- Q What is your wife's name? A Martha Ann.
- Q How old is she? A She was born in '64.
- Q Have you any children by your present wife? A Six children.
- Q What is the name of the oldest? A John Franklin.
- Q How old is he? A He was born in 1882.
- Q What is the next one? A James Willie.
- Q How old is he? A I will have to look and see to get that exactly right; he was born in '85.
- Q What is the next one? A Rachel Susan.
- Q How old is she? A Born in 1887.
- Q What's the next one? A Mary Mattie, born in '96.
- Q And the next one? A Nancy Ella, born in 1899.

Application was made by Franklin M. Harton for the enrollment of himself, his wife, Martha Ann Harton, and the five children above named at South McAlester, Indian Territory, in September, 1899.

- Q Are these all the children you have? A That's all I had at that time. I have one baby born the 2nd day of March this year

- Q What is the name of that child? A George Pope.
- Q Are all these children living? A They are all living.
- Q You say you came to this country in 1870? A '79; married this woman in 1880.
- Q Where were you living prior to that time? A In the state of Mississippi.
- Q Was your wife living here in Indian Territory? A I found her here when I came.
- Q Where did you come? A Near Lebanon in the Chickasaw Nation.
- Q When was you married to her? A 9th day of November, 1880.
- Q Was you married under a Choctaw tribal license? A I was married by a Chickasaw judge.
- Q Did you obtain a license? A I obtained a certificate.
- Q Did you obtain a tribal license? A I don't know.
- Q Have you ever been married to this woman in conformity with the tribal laws of the Choctaw and Chickasaw Nations? A I have not.
- Q These children were all born in the Choctaw and Chickasaw Nations? A Choctaw and Chickasaw Nations.
- Q You were married you say, in 1880? A In 1880.
- Q Have you and this family lived continuously in the Choctaw and Chickasaw country since that time? A Most of the time. I went out on this occasion on account of work; my son having a farm on this side of the river; I was unable to work and he was able to help me. I came on this side of the river on account of help and assistance from him.
- Q From 1880 at the time you married into this family, up until 1897 were they ever recognized by the tribal authorities of the Choctaw Nation as citizens of the Choctaw Nation? A We were never denied any privileges.
- Q Answer the question; were you ever recognized by the Choctaw tribal authorities as citizens? A No, we were not.
- Q When were you first recognized by any duly constituted authority of the nation as citizens? A The 12th day of October, 1896.
- Q How was that; what was done and where? A It was done at Kiowa, Indian Territory.
- Q When was it? A 12th day of October, 1896.
- Q What was done at that time? A We were enrolled as citizens of the Choctaw Nation.
- Q Who enrolled you? A The Choctaw census roll; Emerson Folsom and Charley Leflore.

The name of the applicant and witness appears upon the 1896 Choctaw census roll, page 390, opposite 14658, as F. M. Horton, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

The names of Mattie Horton, the wife of ~~Felix~~ the witness and John, James, Rachel, and Mary Horton appear upon the 1896 Choctaw census roll as citizens by blood of the Choctaw Nation as follows:

5993 Mattie Horton  
 5994 Rachel S. Horton  
 5995 Johnie Horton  
 5996 Jimmie Horton  
 5997 Mary M. Horton



- Q Are you and this family --you had been living in the Choctaw Nation for a number of years prior to October 12, 1896, had you not? A From 1879 until then.
- Q Was you living here in 1893? A Yes sir.
- Q Did you attempt to procure the leased district payment that was made to the citizens of the Choctaw Nation? A I did not.
- Q Why not? A We had never gotten our enrollment until that time.
- Q Had you ever applied prior to the time you say you went to Kiowa in October 1896? A My father-in-law made application in 1885.
- Q Where? A At Tuskahoma.
- Q To whom? A The Indian authorities.
- Q What was your father-in-law's name? A John Duncan Thompson.
- Q What was done with that application? A I don't know.
- Q Was it ever acted upon by the Council? A If it was I don't know.
- Q Did you ever present any petition to any citizenship court or committee of the Choctaw Nation for the admission of the members of your family as citizens? A Did I ever?
- Q Yes? A Yes sir.
- Q When? A I don't know that I can give you the exact date, but it was somewhere about the last of September----
- Q I am talking about the Choctaw tribal authorities? A We made application through our attorney, Davis A. Homer, for citizenship.
- Q When was that? A In '96.
- Q What time? A As well as I remember, in July--last of June or July.
- Q What was done with that application? A I couldn't tell you what was done with it; Davis A. Homer brought authority back from the council for them to be enrolled upon certain affidavits.
- Q When was that? A In '96.
- Q What time? A Sometime in the month of July or August.
- Q What did you do then? A We made application first written out and sent it to the Dawes Commission; and Davis A. Homer went to the council and said it would better for us to appear before the Commission, for he had authority from the council to produce certain affidavits in our behalf, with three respectable Choctaws by blood that knew the family of my wife.
- Q You say he brought it back in writing? A He came and told me that.
- Q Did you sign the petition yourselves? A We did.
- Q Did Homer bring it back to you? A He did not.
- Q Was it ever filed anywhere? A I couldn't tell you.
- Q You don't know that it was ever filed? A No sir, I know he carried our names to the census takers, the census commission, and that we were enrolled.
- Q When was that? A In October '96.
- Q That is when you went to Kiowa? A Yes sir.
- Q That is the only definite knowledge that you have of your enrollment? A That's my knowledge of our enrollment.
- Q Did you ever get any certificate from any board or commission? A Yes sir.
- Q What certificate? A I got a certificate from the National Secretary.
- Q Who was he? A Jacob Jackson.

Q That is all you knew in reference to your enrollment? A It is.  
 Q You never went before any committee? A After that.  
 Q When? A I was before the Dawes Commission at Pauls Valley.  
 Q I am talking about the Choctaw commission, their citizenship commission? Q We were called before the citizenship commission at Atoka.  
 Q When was that? A '97 or '98, I wouldn't be positive which-- '98 I reckon.  
 Q Is your wife here? A No sir my wife is not able to come.  
 Q What relation is your wife to Mary E. Oquin? A Second or third cousin.

By Mr. Franklin:

Q After you and your family appeared before the census commission at Kiowa, did you appear before any commission? A We appeared before what was known as the district commission at Atoka; that was in December.  
 Q Was that the Revisory Board? A No, not the Revisory Board; it was the district commission. There were five commissioners sent out to look over this Atoka County roll and see whether it was a correct roll and when they came around I appeared before the Commission; I don't remember what day I came before the Commission at Atoka, nevertheless, I went in person. At that time I had my marriage certificate that Choctaw county Judge W. Dickerson, county judge of Pickens county, Chickasaw Nation, and when it was presented to Judge Durant, he made this statement, that it was all the license I needed, as there was none-----  
 Q Did the commission at Atoka confirm the enrollment that had been made by the commission at Atoka? A They did.

By the Commissioner:

Q How do you know that? A They put Mary Mattie Harton on the roll as 20 ~~years~~ ~~six~~ days old; she was enrolled after we was enrolled at Kiowa.

By Mr. Franklin:

Q Did you ever appear before the Revisory Board? A I didn't; my attorney did.  
 Q Who was your attorney? A Davis A. Homer.  
 Q Did he appear before the Revisory Board at Muskogee to look after this matter for you? A He did.  
 Q Did you ever learn as to whether or not the revisory Board enrolled you and your family on the 1896 roll? A They sent me the certificate with the national seal, of my enrollment, signed by Jacob Jackson, the National Secretary.  
 Q When was that dated? A I believe it was January, 1897.  
 Q Have you got that certificate now? A I have not.  
 Q How many of your wife's brothers and sisters were included in the --just your immediate family? A My immediate family, but each family held its own certificate.  
 Q Have you got any evidence of your marriage to your wife? A There is no living person here that saw me married, although there's parties here----  
 Q Was the marriage certificate recorded?

By the Commissioner:

What is the purpose, Mr. Franklin---

By Mr. Franklin:

Showing his marriage to this woman.

By the Commissioner:

For what purpose?

By Mr. Franklin:

To show that he was actually married to this woman; for his enrollment as an intermarried citizen.

By the Commissioner:

I will have to exclude that; he was not married according to the tribal laws.

By Mr. Franklin:

He was admitted by this committee; the committee was authorized to admit him.

By the Commissioner:

I will have to exclude the evidence.

By Mr. Franklin:

- Q What proportion of Choctaw blood does your wife claim? A 1/16.  
Q Are any of your children married? A Two of them.  
Q Which two? A John F. and Rachel S.  
Q Who did your son, John F. marry? A He married the widow, Susie Gerty, a Cherokee woman.  
Q Is Susie Gerty enrolled as a Cherokee by blood? A Yes sir.  
Q Have they any children? A They have one.  
Q What is the name? A Its name is Bertha May.  
Q That child is living? A Yes sir.  
Q When was it born? A It was born March 11, no February, this year.  
Q Who did Rachel Susan Harton marry? A John Hunt.  
Q Is he a white man? A Yes sir.  
Q Have they any children? A One living.  
Q What is its name? A Viola Maude.  
Q When was Viola Maude born? A On the 17th day of August, 1906.  
Q What relation to each other are Sarah Jane Darken, your wife Martha Ann Harton, Narcissa Ella Percival, John Duncan Thompson, Jr. and Nannie Foster, formerly Vaughan? A Brothers and sisters.  
Q Have all of these persons maintained their homes in the Choctaw and Chickasaw Nations since you have known them? A To the best of my knowledge.  
Q How long have you known them? A Since 1879.

- Q Did you ever file with the Commission, either yourself personally or through your attorney, Homer, this certificate showing the enrollment of yourself and family? A I had it before the Commission at McAlester.
- Q Did they take it? A They didn't take it to put it on file, but it was handed back to our attorney, John A. McClure, that we had employed at that time and from some purpose, either negligent or otherwise, the certificate has been taken from our hands.
- Q Was it lost? A It was lost.  
Witness amused.

JOHN F. HARTON, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A John F. Harton.
- Q What is your age and postoffice address? A My age is 23; postoffice, Porum.
- Q What is your father's name? A Franklin M. Harton.
- Q What is your mother's name? A Mattie Harton.
- Q Are you married? A Yes sir.
- Q What's your wife's name? A Susie Harton.
- Q Is she a white woman? A No sir, she's a Cherokee.
- Q What was her name before you married her? A Her name was Gerty.
- Q Is she an enrolled citizen of the Cherokee Nation? A Yes sir.
- Q Got an allotment? A Yes sir.

The name of the witness's wife appears upon the final roll of the citizens by blood of the Cherokee Nation as Susie Girty, opposite No. 17600.

- Q Have you any children? A I have one.
- Q What is the name? A Its name is Bertha May Harton.
- Q When was she born? A The 10th of February.
- Q What year? A 1906.
- Q Is she living? A She's living, yes sir.
- Q Have you made application for the enrollment of this child? A Bertha May Harton, no sir.
- Q As a citizen of either the Choctaw or Cherokee Nation? A No sir.
- Q You now make application for the enrollment of the child as a citizen of the Choctaw Nation? A Yes sir.
- Q Is your wife here? A No sir.
- Q In the event that this child is found to be entitled to enrollment as a citizen of either the Choctaw or Cherokee Nation, in which nation do you elect to have the child enrolled? A The Choctaw.
- Q Is that done with your wife's knowledge and consent? A Yes sir.

By Mr. Franklin:

Where were you born?

By the Commissioner:

What is the purpose of this?

By Mr. Franklin:

We are letting him testify in his own case.

By the Commissioner:

His father has testified to that.

Witness excused.

WILLIAM E. PERCIVAL, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A William E. Percival.  
Q What is your age and postoffice address? A Fifty-two; Rush Springs, Indian Territory.  
Q Do you claim to be a citizen of the Choctaw Nation? A Yes sir.  
Q By blood or intermarriage? A Intermarriage.  
Q Are you a white man? A Yes sir.  
Q What is your father's name? A Percival.  
Q His full name? A Edwin Percival.  
Q What is your mother's name? A Sarah Percival.  
Q What is the name of the Choctaw woman you married? A Narcissa Ella Thompson.  
Q When was you married to her? A 1884.  
Q Where? A Married at Rocky Point, Indian Territory.  
Q In what Nation? A Chickasaw.  
Q Was you married in conformity with the tribal usages and laws of the Chickasaw Nation? A Must married according to the customs of white man's marriage.  
Q Did you ever obtain a license from the Choctaw or Chickasaw authorities to marry this woman? A No sir.  
Q Have you ever been married to her under a tribal license? A No sir.  
Q You say your wife's name is Narcissa Ella Percival? A Yes sir.  
Q Is she living? A No sir.  
Q How long has she been dead? A 1902.  
Q What time? A 5th day of September.  
Q What was her father's name? A John D. Thompson.  
Q What was her mother's name? A Narcissa Susan Thompson.  
Q Through which one of her parents did your wife derive her Indian blood? A Through her father.  
Q How many children did you have by Narcissa Ella Percival? A Six children.  
Q What is the name of the oldest? A Jesse Percival.  
Q How old is he? A He will be 21 years old his next birthday.  
Q Is he living? A He's living.  
Q What is the name of the next? A Tayler Percival.  
Q How old is he? A I will give you the date of his birth; he was born in 1889.  
Q Is he living? A He's living.  
Q The next one? A Forrest Percival.  
Q How old is he? A He was born in 1891.  
Q Is he living? A He's living.  
Q What is the name of the next? A Kate Percival.  
Q How old is she? A Born in 1893.  
Q Is she living? A She is living.



- Q And the next one? A Rebecca.
- Q How old is she? A She was born in 1896.
- Q Is she living? A She's living.
- Q And the next one? A Narcissa Sadie Percival.
- Q How old is she? A Born in 1899.
- Q Is she living? A She's living.
- Q Are these all the children you had by Narcissa Ella Percival?
- A Yes sir.
- Q When did you first become acquainted with Narcissa Ella Thompson? A In 1874.
- Q Whereabouts? A In the Chickasaw Nation on the Washita River Kickapoo Flat.
- Q When was you married to her? A In '84.
- Q Have you yourself at any time been recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A I was recognized---they used me to assist them in collecting permits.
- Q You was paid for that? A Yes sir.
- Q Ever been enrolled as a citizen? A I was enrolled in '96.
- Q You yourself, personally? A Yes sir.

The name of William E. Percival does not appear upon any of the Choctaw rolls in the possession of the Commissioner to the Five Civilized Tribes.

- Q You say you first became acquainted with your wife, Narcissa Ella Percival in the Chickasaw Nation in the Chickasaw Nation in '74? A Yes sir.
- Q Did you live with her continuously in the Chickasaw Nation up until the time of her death? A Yes sir.
- Q These children were all born in the Chickasaw Nation? A Every one of them, yes sir.
- Q Were they ever at any time recognized and enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A Yes sir.
- Q When? A In 1896.

The names of the wife and children of the applicant and witness appear upon the 1896 Choctaw Census roll in the possession of the Commissioner to the Five Civilized Tribes as follows:

10554	Narcissus Percivill
10555	Jesse Percivill
10556	Taylor Percivill
10557	Forest Percivill
10558	Kate Percivill
10559	Rebecca Percivill

- Q Were your family ever enrolled prior to this placing of their names on the '96 roll in the Choctaw Nation? A We were placed upon the County roll of '96 at Kiewa, on October 12, 1896 or about that time.
- Q Was that the first recognition of their rights as citizens by any committee or commission of the Choctaw tribal authorities? A First I know of their being placed on the records.
- Q Was you living with your wife and children in the Indian Territory when the leased district payment was made to the Choctaws in 1893? A I was living in the Chickasaw Nation.
- Q Did you attempt to procure the payment of the \$103 that was paid to the citizens? A No sir.

- Q What was done at the time you say these people were enrolled at Kiowa in October 1896? A Witnesses come there and give in their testimony; there were three commissioners; Emerson Folsom--A. E. Folsom was the way he signed his name--Martin Charleston and Charley Leflore.
- Q When was that? A In October, 12th or 13th, 1896.
- Q Where was you living then? A I was living in Indian Territory
- Q At what place? A Near Marlow.
- Q How far is it from Kiowa to Marlow? A Quite a long ways.
- Q About how far? A 100 miles.
- Q Why did you go to Kiowa to be enrolled? A My wife's mother was in Atoka County and Franklin M. Harton and his wife and family were living in Atoka County and the witnesses we knew that recognized us as Indians were living there.
- Q What was done when you made this application for the enrollment of yourself and family? A These Indians went and give their testimony in to the Commissioners and they put our names on the roll and they accepted our testimony after they made speeches in Indian; Martin Charleston was a full-blood Indian--seemed to be at any rate; they all understood the Indian language.
- Q Did you ever receive any certificate from any citizenship committee or commission as to the enrollment of your wife and children? A I received a certificate from the National Secretary directly after we were enrolled.
- Q When was that? A I don't just know how long it was--something near a month.
- Q A month after you was at Kiowa? A Yes sir, it was about that date we got our certificates.
- Q You knew nothing about your wife's family prior to the time you met them in the Chickasaw Nation in '74? A No sir.
- Q Do you know what relation, if any, your wife is to Mary E. Oquin? A Only from family talk--that's all; Mary E. Oquin's father and her father was cousins.

By Mr. Franklin:

- Q Have you and your wife and children lived continuously in the Choctaw and Chickasaw Nations since your marriage in 1884? A Yes sir.
- Q Are you familiar with the family history of your wife's ancestors? A Yes sir, to some extent.
- Q I believe you have stated that your wife was the daughter of John D. Thompson, Sr. and Narcissa Susan Thompson? A Yes sir.
- Q Through which one of her parents did she derive her Choctaw blood? A Through her father.
- Q Who was the father of John D. Thompson, Sr.? A Duncan.

By the Commissioner:

- Q How do you know that? A That's what they told me.
- Q It is hearsay? A Yes sir

By Mr. Franklin:

- Q Was he a Choctaw? A Yes sir.



By the Commissioner:

- Q How do you know these things? A Just from the family.  
Q How do you know he was a Choctaw? A The history of the family as it was given to me.

By Mr. Franklin:

- Q Who were the parents of Duncan Thompson? A Margaret McCoy and Thompson.  
Q Was Margaret McCoy a Choctaw? A Yes sir.  
Q How much Choctaw blood does your wife claim? A 1/16  
Q When you appeared before the Choctaw census commission at Kiowa did you introduce evidence there to establish the Choctaw blood of your wife and the other members of her family? A Yes sir.  
Q What witnesses were introduced? A Henry Perkins, his mother, Elsie Perkins; Mrs. Franklin, Levina Franklin.  
Q Were these witnesses citizens by blood of the Choctaw Nation? A They was.  
Q Q Are any of them living? A They was not, they're not living  
Q Did the testimony of these witnesses establish the Choctaw blood of your wife to the satisfaction of the Commission?

By the Commissioner:

We cannot allow this.

By Mr. Franklin:

- Q Did you ever appear before any other commission than this Choctaw census commission of Atoka County? A No, only the Dawes Commission.  
Q Did you or any one living with you appear before the Revisory Board? A We did.  
Q Who did? A Harton did---the one that just testified.  
Q Did you ever learn anything as to what the Revisory Board did with your case? A They carried on their rolls--proved it up.  
Q Are any of your children married? A No sir.

Witness excused.

The hour of 4 P. M. having arrived, this case was continued until Tuesday, May 29, 1906, at 9 o'clock A. M.

On Tuesday, May 29, 1906, at 9 o'clock A. M. this case was called for further hearing:

NANNIE FOSTER, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Nannie Foster.  
Q How long have you been named Foster? A A little over a year. a year last October.  
Q What was your name before? A Vaughan.  
Q How old are you? A 28.

Q Where do you live? A Ninnekah.  
 Q What is your father's name? A John Duncan Thompson.  
 Q What is your mother's name? A Narcissa L. Aaron.  
 Q Are your father and mother living? A No, both dead.  
 Q Through which parent do you derive your Choctaw blood? A My father.  
 Q Are you married? A Yes sir.  
 Q What is your husband's name? A Lewis Foster.  
 Q Is he a white man? A Yes sir.  
 Q When were you married to him? A October 1905.  
 Q Were you ever married before you married him? A Yes sir.  
 Q Who to? A Jim Vaughan.  
 Q A white man? A Yes sir.  
 Q Have you any children? A Four.  
 Q What are their names? A Hattie, Callie, Stella and Roy.  
 Q How old is Hattie? A 13.  
 Q How old is Callie? A 11.  
 Q How old is Stella? A 9.  
 Q How old is Roy? A 8.  
 Q Are these children all living? A Yes sir.

Application was made by Nannie Vaughan for the enrollment of herself and her four minor children above named as citizens by blood of the Choctaw Nation at South McAlester, Indian Territory in September, 1899.

Q Have you any other children? A I have one by Foster.  
 Q What is the name? A Thomas.  
 Q How old is Thomas? A 11 months old.  
 Q Is he living? A Yes sir.  
 Q Who is the father of this child? A Mr. Foster.  
 Q The full name? A Lewis Foster.  
 Q Where was you born? A In the Choctaw Nation.  
 Q Where? A Boggy Depot.  
 Q Have you lived continuously in the Choctaw Nation? A Choctaw and Chickasaw.  
 Q You and your children who were living in 1896 and 1897 ever been recognized at any time by the tribal authorities of the Choctaw Nation as citizens in the Choctaw tribe of Indians? A I don't remember.

The name of the applicant and witness and her three children, Hattie, Callie and Stella Vaughan, appear upon the 1896 Choctaw Census roll of the citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes as follows:

12631 Nannie Vaughn  
 12632 Hattie Vaughn  
 12633 Callie Vaughn  
 12634 Stella Vaughn

Q You say you was born in the Choctaw Nation? A Yes sir.  
 Q Did you ever receive any payment of any money that was made to the Choctaw citizens? A No sir.  
 Q Were you ever recognized by the Choctaw tribal authorities in any manner as citizens prior to 1896? A Yes sir, we were recognized at Atoka before the Choctaw Commission.  
 Q When was that? A I don't remember the year it was.  
 Q Were you there yourself? A Yes sir.

- Q Do you know anything about the procedure or conditions existing in reference to the placing of your name on this roll? A I know very little about it.
- Q Are the conditions existing about your enrollment the same as those of the other members of your family who testified in this matter? A Yes sir

By Mr. Franklin:

- Q What proportion of Choctaw blood do you claim? A I really don't know just what they do claim.
- Q Do you know what your father was? A 1/4 I think.
- Q As a matter of fact, you don't know how much? A No sir, I don't.

Witness excused.

JOHN D. THOMPSON, being first duly sworn, testifies as follows:

By Mr. Franklin:

- Q What is your name? A John D. Thompson.
- Q How old are you? A I am 38 years old in September.
- Q Did you, or any one in your behalf, ever make application for your enrollment as a citizen by blood? A Yes sir.
- Q Who made that application? A My mother.
- Q What was your mother's name? A Narcissy Thompson.
- Q What was her full name? A Narcissy Aaron.
- Q Didn't she have a middle name? A I don't know whether she did or not.
- Q Her maiden name was Aaron? A Yes her maiden name was Aaron.
- Q Why was it that you didn't appear before the Commission to the Five Civilized Tribes at South McAlester and make a personal application? A Well, I was sick.
- Q Confined to your bed? A Yes sir, was sick about three weeks when the folks went down.
- Q Did your mother appear at South McAlester, Indian Territory, with the Franklin M. Harton family.

By the Commissioner:

- Q How do you know that? A Just from what she says.

By Mr. Franklin:

- Q You were sick and unable to appear? A Yes sir.
- Q Did you understand from your mother that she had applied for you at South McAlester? A That's what she said.
- Q Was it at the same time the first application was made for the Harton family and for your mother? A Yes sir.

By the Commissioner:

In the testimony of one F. M. Harton before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in September 1896, appears a statement made by Commissioner McKennon as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, #15111, as an intermarried citizen who is the mother of Mrs. Harton, who was never intermarried with a recognized citizen of the Choctaw Nation, and is a white

woman; her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the case of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, #14658, he being the husband of Mattie Horton, whose enrollment is also refused."

By Mr. Franklin:

- Q Were you present at Kiowa, Indian Territory, when the application was made for the enrollment of yourself and your mother and the Horton family to the Choctaw Census Commission? A No.
- Q You were not present there? A I was working out on the Comanche; my mother went there while I was in Comanche and they didn't know where I was at; they didn't get no letters from me and I didn't know anything about it for two or three weeks because I was over by Fort Sill.
- Q You understood that your enrollment was applied for to the Choctaw Census Commission by your mother and Mr. Harton? A Yes, that's the way it was told me.
- Q Did you ever learn anything as to what action was taken on your application to the tribal authorities? A They told me that I was put on the roll.

By the Commissioner:

- Q Who told you? A My mother.

By Mr. Franklin:

- Q Is that all you know about it? A Just what they told me, that is all I know.
- Q What proportion of Choctaw blood do you claim? A My father told me I was 1/16.
- Q Where were you born? A I don't know for certain where---far as I can recollect I was in the Territory, but I believe I was born in Arkansas, I think I have heard my mother say. Far as I can recollect back I was in the Territory.
- Q Since you were big enough to remember have you been living in the Choctaw and Chickasaw Nations? A Yes sir.
- Q Made it your home? A Yes sir, far as I can recollect.
- Q Did you file a sworn petition with the Secretary of the Interior praying for the enrollment of yourself and your wife and children, Willie Thompson and Hazel Maude as citizens of the Choctaw Nation? A Yes sir.
- Q When was this petition filed, do you know? A Its been---I believe it was in August last year.
- Q August of 1905? A I think it was.
- Q Is this the identical petition? A Yes, that's my scribbling.
- Q That is your signature? A Yes sir, about as good as I can do.
- Q Before whom was that petition sworn, what notary? A It was down at Marlow, I forget the fellow's name.
- Q Would you know his name if you heard it? A No sir, I don't know as I would.
- Q Was this petition filed with the Commissioner to the Five Civilized Tribes or the Secretary of the Interior, do you know? A No, I don't; I gave it to Captain Thompson to file--to send off.

- Q What name have you been known by most generally--John Thompson or John D. Thompson? A John D.
- Q Are you also sometimes known simply as John Thompson? A Every-body calls me John.
- Q What is your wife's full name? A Emma Geneva Wier.
- Q What was her maiden name? A Yes.
- Q When were you married to her? A I was married in '98.
- Q Did you have any children? A Yes sir, I have two.
- Q What are their names? A One is John William and the other is a little girl, Hazel Maude.
- Q Are they both living? A Yes sir.
- Q Were they living March 4, 1906? A Yes sir, the youngest is two years old.
- Q How old is Willie? A Seven in July.
- Q When you filed this petition with the Department did you intend at that time to apply for the enrollment of your wife, Emma Geneva as an intermarried citizen, as well as for your own enrollment?

Commissioner objects to this question.

By Mr. Franklin:

- Q There is a statement in this petition that you appeared personally at Pauls Valley and made application; is that correct?
- A Yes sir, I was there.
- Q When was that? A I don't know; it was when the Dawes Commission was at Pauls Valley enrolling; I don't know the dates much because I can't read or write; can just write my name.

By the Commissioner:

- Q Can you read? A No sir.
- Q Was this petition read to you? A Yes sir, it was read to me; I have to go by what somebody reads----
- Q How do you reconcile the statement in your testimony that you were over in the Comanche country at the time that you went -- that you made formal application to the commission at Kiowa in '96? A I didn't know it was in there.
- Q Then, if that is in this petition it is not true? A No, because I was not there.
- Q When did you appear in person before the Dawes Commission at Pauls Valley? A I couldn't tell you; it was when they were there enrolling; it was in '98, I believe; something like that.
- Q Was you there yourself? A Yes sir.
- Q Did you actually appear before the Dawes Commission? A Yes sir, I tried to appear before them, but didn't get before them.
- Q How old are you now? A 38 years old I reckon, from all account.
- Q Did you ever receive from the Choctaw census commission a certificate as to your enrollment as a citizen of the Choctaw Nation? A Yes sir, it was read to me; I had something similar to that.
- Q Did you get it yourself? A Yes sir, got it at Marlow.
- Q Have you got it now? A No sir, my brother-in-law sent for me to send it to him and he would send it to our lawyer and that is the last I ever heard anything about it?
- Q Who were the members of that census committee? A I couldn't tell you.
- Q When did you get that certificate? A I couldn't tell you the date I got it, all I knew about it is it was sent to me at Marlow, to my mother and me.



- Q Was it sent to you? A The certificate?
- Q Was it sent to your personally? A No, I think it was sent to my mother.
- Q Was it sent to you or your mother? A I don't know; I couldn't read it.
- Q And yet you will swear that you had this petition read to you and swore to it and knew what its contents were? A If they read it like I thought it was.
- Q Now as a matter of actual fact, did you ever personally appear before any enrolling committee or citizenship committee of the Choctaw Nation? A No, I didn't in person, myself.
- Q You never did? A No sir.
- Q You are a man 38 years old now? A Yes sir; I went to Pauls Valley, but that's the only place I ever did; well, I came to Atoka.
- Q When was you at Atoka? A I couldn't tell you; it was before the folks was at Kiowa.

By Mr. Franklin:

- Q What relation are you to Narcissa Ella Percival, Nannie Foster, Martha Ann Harton and Sarah Jane Darken? A They are my sisters.
- Q Full sisters, same father and mother? A Yes sir.
- Q Do you claim that your name is on the '96 Choctaw census roll? A That's what my mother told me.

By the Commissioner:

- Q Do you know anything about it? A No sir.
- Q When did she tell you? A Numbers of times at home when she was living.

By Mr. Franklin:

- Q You claim to be on the '96 roll? A Yes sir, that's what she always told me.

By the Commissioner:

There are a number of persons by the name of Thompson, whose given names are John, with different middle initials, whose names appear upon the 1896 Choctaw Census roll in the possession of the Commissioner to the Five Civilized Tribes.

By Mr. Franklin:

- Q Were you ever married before your marriage to Emma Geneva Wier? A No sir.
- Q Was she ever married before that? A No sir.
- Witness excused.

FRANKLIN M. HARTON recalled:

By Mr. Franklin:

- Q Are you acquainted with John D. Thompson, Jr.? A Yes sir.
- Q What relation is he to Sarah Jane Darken, Martha A. Harton, Narcissa Ella Percival and Nannie Foster? A He is their brother

- Q Full brother? A Full brother.  
 Q Do you know whether or not the census commission that enrolled you at Kiowa also enrolled John D. Thompson? A To the best of my knowledge.

By the Commissioner:

- Q Do you know personally anything about it? A If you will allow me to make an explanation----I was not present when the citizens by blood went on the roll, but his mother---him being sick at the time---his mother represented him and my information has been that he was placed on the roll.  
 Q You know nothing personally about it? A I have told you just what I know.  
 Q Your information is purely hearsay? A My information is that he went on the roll.  
 Q Do you know of your own knowledge any facts in reference to it? A I could not say so.

By Mr. Franklin:

- Q Did you ever see the name of John D. Thompson on the roll which was made by the census commissioners? A Yes sir, I think I did.  
 Q Did you make---do you know that an application was made to the Census Commission for the enrollment of John D. Thompson? A I didn't make the application myself.  
 Q Did Narcissa S. Thompson, your mother-in-law, ever make any statements prior to her death to you as to whether or not she ever made an application for John D. Thompson's enrollment? A Yes sir.  
 Q What was that statement? A That she had made an application.  
 Q Was that before the Choctaw census commission at Kiowa? A Yes sir; she appeared there in person.  
 Witness excused.

WILLIAM H. MCCOY, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A William H. McCoy.  
 Q How old are you? A I am going on 58 years old.  
 Q Where do you live? A Marlow.  
 Q How long have you lived in Indian Territory? A I have lived here about 12 years.  
 Q When did you first come here? A I first came here to Marlow 12 years ago; I was in Indian Territory in '67, I believe it was, but I have been here regularly 12 years.  
 Q Where did you live before that? A Before I came to the Territory?  
 Q Yes? A In Texas.  
 Q Where was you born? A I was born in Georgia.  
 Q What is your father's name? A John McCoy.  
 Q What is your mother's name? A Matilda.  
 Q Through which one of your parents do you derive your Choctaw blood? A My father.  
 Q Do you know where your father was born? A In Mississippi.  
 Q When did he remove to Georgia? A I couldn't tell you just what time he moved to Georgia.



Q How long had he been living in Georgia before you were born?  
 A I think only a short time; we were right on the line of Georgia and Tennessee, my remembrance was.

Q Are you married? A Yes sir.

Q What is the name of your wife? A Mary T. McCoy.

Q How old is she? A She is about 51.

Q When was you married to her? A '74 I believe it was---it was either '74 or '75.

Q Is your wife a white woman? A Yes sir.

Q Were you ever married prior to your marriage to her? A No sir.

Q Was she ever married? A No sir.

Q Have you lived with her continuously since your marriage? A Yes sir.

Q How many children have you? A Four.

Q What is the oldest one's name? A Buford T.

Q How old is he? A He is about 30 years old?

Q Is he married? A Yes sir.

Q Has he any children? A Yes sir.

Q How many? A Two.

Q What are their names? A Amina.

Q How old is Amina? A I couldn't tell you.

Q What is the name of Buford McCoy's other child? A Robert May, I believe, but I couldn't be positive about that name.

Q What's the name of your second child? A Maudie.

Q Is she married? A Yes.

Q What's her present name? A Revere.

Q When was she married? A '88 I believe it was.

Q You don't mean that? A I would not be positive.

Q Has she any children? A Yes sir, she has two.

Q Do you know their names? A Clara and Pembrooks.

Q What's the name of your next child? A Gordie.

Q Is she married? A Yes sir.

Q What's her name? A Woolley.

Q Has she any children? A Yes sir.

Q How many? A Two.

Q What are their names? A John D. and Jim; he may have a middle name but I don't know.

Q What the name of your next child? A Willie.

Q Is that William? A Yes sir.

Q Is he married? A No sir.

Q Are all these people you have mentioned living at this time?  
 A Yes sir; I mentioned about these children, but I have only mentioned those that come into this list; two of them have children that are younger--infants.

Q Whose children are they? A Revere and Woolley.

Q When were they born? A They were born a week or two ago.

By Mr. Franklin:

Q Born since March 4, 1906? A Yes sir.

By the Commissioner:

Q You came to this country--to the Indian Territory about 1894?  
 A Yes sir.

Q Had you ever at any time, prior to the time you moved here, been recognized by the Choctaw tribal authorities as citizens? A  
 Why, I have never paid any permits.

Q I said before you came here? A Well, I couldn't say that I have.

- Q Have you, or have you not? A No sir.
- Q When was the first time that there was any act of recognition establishing the citizenship of yourself and family? A Well-- you mean application?
- Q When did the Choctaw tribal authorities, the council or any citizenship Committee first recognize your family as citizens? I made an application to the General Council in '96; it was A perhaps August 1st--afterwards Green McCurtain called an extra session and there was a census commission appointed and my application was carried before that census commission and I was notified that I was passed upon but not put on the roll on account of not being present; and consequently until that time at Tuskahoma---I believe it was along the 6th or 9th of '97---
- Q Of what month? A January.
- Q That was the first time you and your family had been enrolled and recognized then? A Yes sir.

The names of William H. McCoy and his wife and his four children who were living in '96 appear upon the 1896 Census roll of the citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes as follows:

9507 Wm. H. McCoy.  
 9508 Buford T. McCoy  
 9509 Maud McCoy  
 9510 Cordie McCoy  
 9511 William McCoy

the above persons being enrolled as citizens by blood and the name of Mary G. McCoy appears upon the 1896 Choctaw Census roll opposite No. 14892 as a citizen by intermarriage of the Choctaw Nation.

By Mr. Franklin:

- Q You stated that your father was John McCoy? A Yes sir.
- Q And that you claimed your Indian blood through him? A Yes sir.
- Q Do you know who his father was? A Yes sir, I have been taught William McCoy.
- Q Do you know what relation William was to Margaret McCoy? A Brother.
- Q What proportion of Choctaw blood do you claim? A 1/8.
- Q Since your marriage to Mary G. McCoy have you lived together continuously as husband and wife? A Yes sir.
- Q What year was it that you came to the Chickasaw country? A That was about '92 I think.
- Q You testified before the Commission, I think in September 1899, that you came to the Indian Territory eight years ago; that would make it about 1891; is this correct or is the testimony you give now correct? A It was perhaps about '91; I can't remember.
- Q Were you ever married before your marriage to Mary G. McCoy? A No sir.
- Q Was she ever married before that? A No sir.
- Q Where were you married? A In Texas.
- Q Have you any evidence of that marriage? A I haven't at present; I don't know whether my certificate is before this Commission or not.

Witness excused.

WILLIAM C. THOMPSON, being first duly sworn, testifies as follows:

By Mr. Franklin:

- Q What is your name? A William C. Thompson.
- Q How old are you? A 67 the 6th of February last.
- Q What is your postoffice address? A Marlow, Indian Territory.
- Q Are you acquainted with John T. Oquin? A I am.
- Q What relation, if any, is he to you? A We are cousins.
- Q Third cousins? A I never figured it out.
- Q You are not first cousins? A No.
- Q Were you present when the Revisory Board passed upon the citizenship of John T. Oquin and enrolled him at Tuskahoma? A I was.
- Q Do you know how he was enrolled? A His name was given in as John T. Oquin.
- Q Are you positive that his name was enrolled along with the other members of the Oquin family? A That was my understanding, from the simple fact that the family was given in on a slip of paper containing the names of the families, was on the list with the father and mother; that is, we gave it to the attorney that we had representing us and I was present; Davis A. Homer was the attorney.
- Q The name of T. E. Oquin appears upon the 1896 census roll along with the other members of the Oquin family, ~~Minnie~~ Mattie Oquin, Minnie Lee Leddy, James W. Oquin and Ora May Oquin? A They are sisters to this man, John T. Oquin.
- Q Do you know of any other member of the Oquin family that was named T. E. Oquin? A I don't know any Oquins outside of this individual family.
- Q If that name of T. E. Oquin appears on there do you think it was intended for John T. Oquin?

Commissioner objects to the question.

By Mr. Franklin:

- Q Are you related to all of these principal applicants who have testified in this consolidated case? A In the consolidated case of William C. Thompson, I am.
- Q I mean these people that have testified yesterday and today? A If I understand the question right, the consolidated case consists of certain members of the family; there are two wings of the family, they are distantly related.
- Q And the Darken family? A Yes sir.
- Q I mean this case; you are related to all these families who are applicants and whose cases are set for hearing at this time? A Yes.
- Q You are all descended from the same common ancestor? A Same common ancestor, Margaret McCoy.
- Q What was Margaret McCoy? A She was a half-breed Choctaw Indian.
- Q Who did she marry? A Thompson.
- Q Knew his given name? A My understanding has always been that his name was Henry.
- Q How many children did Margaret McCoy and Henry Thompson have? A They had Archibald, John and William, my father.

- Q John Thompson---was that John D. Thompson? A That's been my understanding; I wouldn't be positive, but I think it was John D. Thompson.
- Q Margaret McCoy was your grandmother? A Yes sir, my grandmother; I lived with her for some time in 1857.
- Q What children did Archibald Thompson have? A Well, he had one son, John Thurston Thompson.
- Q Did John T. Thompson, Sr. have any children and if so what are their names? A He had several children.
- Q What are their names? A He was the father of Mary E. Oquin, she married John Oquin; had John T. Thompson, Jr., Rufus O. and Winfield F.; there was another one, just for the moment I have forgotten his name; I haven't seen him for 15 years.
- Q The only ones that are applicants for citizenship at this time are Mary E. Oquin and John T. Thompson, Jr.? A Yes sir.
- Q Who were the children, or child, of John Duncan Thompson; I mean the John Duncan Thompson who was the son of Margaret McCoy? A John Duncan Thompson, Jr.
- Q As I understand you, there has been three of these John Duncan Thompsons---father, grandfather and the present one? A Yes sir.
- Q How many children did the second John Duncan Thompson have and what are their names, if you know them? A I don't know that I can call them; this man John Duncan Thompson lived with me, lived with my father before he died, but whether---
- Q Are these the children? Sarah J. Darken, Martha Ann Harton, Narcissa Ella Percival--- A She's dead.
- Q John D. Thompson, Jr.--- A He is here.
- Q And Nannie Foster; are these that I have named the children of the second John Duncan Thompson? A Yes sir.
- Q Did Margaret McCoy have a brother and if so what was his name? A I only know it from family history; I didn't know him personally.
- Q From family history? A His name was William.
- Q He was a full brother to Margaret? A As far as I know.
- Q Did William McCoy have any children? A I am not positive; I couldn't name them.
- Q Do you know the father of William H. McCoy, the applicant? A Family history says William McCoy.
- Q Do you know what relation William H. McCoy is to you? A We are cousins, has been my understanding.

By the Commissioner:

- Q Do you apply that term cousin to any one that is a blood relative? A Of course up to a certain degree.
- Q As an actual fact, what relation is William H. McCoy to you? A Just as I stated, according to family history, we are cousins.

By Mr. Franklin:

- Q All of these applicants that have testified here today and their children, are members of one big family and the same family to which you belong? A Yes sir.



By the Commissioner:

- Q Your enrollment has recently been directed by the Secretary of the Interior upon an opinion of the Attorney General, has it not? A Yes sir.
- Q Now are the facts in reference to these people who have testified here today, identical with your right? A Only a portion of them.
- Q The attorney general in his opinion admitting you, held that you had applied to the Choctaw National Council within the time prescribed by the Act of Congress approved June 10, 1896; now do you know whether any of these people ever applied to the Council or submitted any formal application to be admitted to citizenship? A There was none of us appealed except William H. McCoy; he and I made application to the Choctaw Council the 1st day of August 1896, for citizenship and on the 18th day of September following Green McCurtain had convened the Choctaw Council in executive session and they passed a law authorizing Green McCurtain to appoint the citizenship commission and without our knowledge our applications were placed before that commission.
- Q That's your application and the one of William H. McCoy? A That man there.
- Q Were any of these other people, these co-relatives, whose names appear on the 1896 census roll, did they appeal to the council? A Not that I know of.
- Q The first step that these people took was, as they have testified, when they went to Kiowa in 1896? A I want to be understood in this matter; the Percivals, the Hartons, the Darkens Mrs. Foster and John D. Thompson, my understanding is that they had--I don't know anything about it--but to assert it, I would not do it.
- Q That's the citizenship commission? A I wasn't there and don't know anything about it.
- Q But you and William H. McCoy are the only two members of the Thompson family, the descendants of Margaret McCoy, who actually applied to the Choctaw Council? A That is so far as my knowledge extends. these other parties may have done it, but I don't know anything about it.
- Q This citizenship commission to whom was referred your petition and the petition of McCoy, acted on your petitions on October 8, 1896? A According to the endorsements and our attorney informed us about that when we were not placed upon the roll by that commission. We then went before the Revisory Board at Muskogee and January 6th they enrolled us.
- Q But this action of this citizenship committee to whom was referred your petition and the petition of McCoy, was on October 8, 1896; that is before any of these co-relatives of yours applied to any of the citizenship commissions? A They didn't apply until December.
- Q They didn't apply then, until you had been advised of the favorable action of this citizenship committee on your petition; is that a fact? A They made the application just about---I think exactly, if my recollection serves me right---at the identical time I was informed of this action; now, I might be a little wrong, but that's my recollection; our attorney informed us of this action of the census commission and these other parties wanted to make their application and they made it at that time; we were in consultation with our attorney

and I think it was at the same time, at the same time that we get this notice.

Q The record in your case shows that the action of the citizenship committee to whom was referred your petition, was taken on October 8, 1896. The testimony of these present witnesses is to the effect that they applied to the census committee on October 12, 1896? A That was the Harten outfit; I don't know anything about that except by hearsay; that wing of the family, they lived out a distance from us and I don't know anything personally about it.

Q These other members of the family beside you and McCoy made no applications before the Chectaw Council? A No, they didn't make application to the Chectaw Council, except me and McCoy.

By Mr. Franklin:

Q I understand you to mean none of the other families; what about the Oquins? A They did not make application to the Council but made application direct to the Revisory Board. The Hartons, the Darkens and Percival wing of the family I don't know personally anything about what they did, only from hearsay.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Olga Petroff*

Subscribed and sworn to before me this 18th day of June, 1906.

*Edward Merriec*  
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
South McAlester, Indian Territory, Sept. \_\_\_\_\_ 1899.

Franklin M. Horton et al.)

vs

Choctaw Nation.

In the matter of the application of Franklin M. Horton for the enrollment of himself as an intermarried citizen of the Choctaw Nation and for the enrollment of his wife, Mattie Horton, and his five minor children, John, James, Rachel, Mary M. and Nancy Ellen Horton as citizens by blood of the Choctaw Nation; also for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by inter-marriage of the Choctaw Nation.

WHEREAS, from the testimony of the applicant in this case it appears that said applicant claims right to enrollment as a citizen of the Choctaw Nation by reason of his marriage to said Mattie Horton and,

WHEREAS, The said Mattie Horton claims rights to citizenship by blood, though the applicant in this case in his testimony is not able to state as to what degree of blood she claims; and

WHEREAS, from the evidence in this case it is shown that the said Mattie Horton and her children, Rachel S. Mary M., John and James Horton, were never admitted by act of Council and were never enrolled prior to the act of Choctaw Council approved October 30th, 1896, and

WHEREAS, the said child, Nancy Ella Horton, was born since the date of said enrollment in 1896, and

WHEREAS, The name of the said Narcissa S. Thompson also appears on the roll of 1896 as an intermarried citizen, but who was never married to a recognized citizen of the Choctaw Nation, and is a white woman, and

WHEREAS, the name of John D. Thompson appears in the testimony, but application for enrollment as a citizen does not seem to be made



by him or for him at this time, and

WHEREAS, in the testimony of J. B. Jackson it is shown that in 1896, by act of Council, Commissioners were appointed to take a census in each County; that the first enrollment was rejected by the Council and a new board appointed, five in each district and they took another enrollment during the month following the first enrollment, and

WHEREAS, during the examination of said J. B. Jackson there was exhibited what purported to be a copy of a certificate given by said J. B. Jackson, October 24, 1896, of the enrollment of Mattie Horton, John Horton, James Horton and Rachel Horton; and

WHEREAS, in the testimony of Davis Homer, (an attorney) it is shown that he identified the book in which the said applicants were enrolled; that their names were placed on the said record at Kiowa, Indian Territory and that the said book was turned into the office at Tushkahomma by the Committee, where it was filed with the National Secretary; that another committee was appointed and the whole work was done over again, in other words - another enrollment was made; that these said applicants were never put on any roll up to that time; that there was no act of Council adopting said applicants and <sup>the</sup> that it was the Commission alone that placed them on the roll:

THEREFORE, from the facts as hereinabove set forth, it would seem that the said Mattie Horton and her said children, John, James, Rachel and Mary M. Horton, are not entitled to enrollment as citizens by blood of the Choctaw nation, from the fact that none of the said parties were ever admitted by act of Council nor were their names ever placed upon any roll of the Choctaw nation previous to the roll made by the Committee under act of Choctaw Council approved September 18th, 1896, and this said roll was not confirmed by act of Council, but, on the contrary, this said roll, with various other rolls previously made by the Choctaw authorities, were referred to another Commission created by act of Choctaw Council, approved October 30, 1896, for re-vision, and the making of a new roll, which was done; also from the fact that they were never admitted by Act of Council, nor were they enrolled prior to the roll made under act of

Choctaw Council approved October 30, 1896, their enrollment at that time was without authority of law, the Choctaw Nation at that time having no authority to admit anyone to citizenship.

From the fact that the said child, Nancy Ella Horton, was born to a non-citizen, she would also not be entitled to enrollment.

The applicant, Franklin M. Horton, never having married a recognized citizen of the Choctaw Nation would not be entitled to enrollment.

The facts as shown from the testimonies of the said J. B. Jackson and Davis Homer are the same, as regards enrollment, in the case of the said Mattie Horton, John Horton, James Horton and Rachel Horton and in the case of Narcissa Thompson and John Thompson, and for the reasons above set forth the said Narcissa Thompson and John Thompson would not be entitled to enrollment.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment  
of FRANKLIN M. HORTON, et al, as citizens of the Choctaw Nation.

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D E C I S I O N  
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It appears from the record herein and from the records in the possession of the Commissioner to the five civilized tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the five civilized tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on November 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultay Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultay Loley, as citizens by blood of said nation; that application was made to the Commission to the five civilized tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary France Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, Rachel S. Harten, James V. Harten, Mary M. Harten, and Nancy B. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while



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in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harten, and said name will hereafter in this decision be spelled accordingly.

On September 28, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clyde Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsja J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazel Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 13113-1906), set aside the decision of the Commission to the five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation. It appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Fannie Vaughan (now Fannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Fannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

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On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 stats., 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Alpha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Gladie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Hannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Ray McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maulsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton



James William Harton,  
 John F. Harton,  
 Susie Harton,  
 Narcissa Ella Thompson, now Percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn, and  
 Nannie Vaughn.

The records in the possession of the commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Pannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1890, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Martha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Martha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12630
William B. Thompson (as Wm. Thompson)	12531

Charles S. Thompson (as Charles Thompson)	Opposite No. - 12532
John M. Thompson (as Jno. M. Thompson)	12533
John Henry Darken (as Jno. Henry Darken)	3626
Charles B. Darken, Jr. (as Charles B. Darken)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maultay Loley (as Maultsey Lawley)	8348
Hattie Horton	5993
Rachel Hunt (as Rachel S. Horton)	5994
John Horton (as Johnie Horton)	5995
James Horton (as Jimmie Horton)	5996
Mary M. Horton	5997
Narcissa Ella Percival (as Narcissus Percivill)	10554
Jesse Percival (as Jesse Percivill)	10555
Taylor Percival (as Taylor Percivill)	10556
Forrest Percival (as Forrest Percivill)	10557
Katie Percival (as Kate Percivill)	10558
Rebecca Percival (as Rebecca Percivill)	10559
Nannie Vaughan (as Nannie Vaughn)	12631
Hattie Vaughan (as Hattie Vaughn)	12632
Callie Vaughan (as Callie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William H. McCoy	9507
Ruford T. McCoy	9508
Maudie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three commissioners for that county, who were appointed under the act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles P. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K."; also written with lead pencil, while the names themselves were written with pen and ink; that he asked the acting commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw census roll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the commissioner to the Five Civilized Tribes. Besides the names of John E. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork county.

The name of John Thompson, age 27 years, Atoka county, also appears upon the 1896 Choctaw Census Roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 22, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third



person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw census roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the act of congress approved July 1, 1902 ( 32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Roby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to september 26, 1902, should be dismissed, and it is so ordered.

Tamp Bixby

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

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D.J.M.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
P.W.I.

GAW

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Louitia Crutchfield.
16106	Everett Crutchfield



16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflors Long.
922	Jake Laflors Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Lease E. Wilson

Assistant Secretary.

Through the

Indian Office.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 8-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

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Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsle Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesse Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Hattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gerdie McCoy and William



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McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William B. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle B. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Hannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie



Secretary 4,

Odolphus) O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William M. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Maunie Vaughan for the enrollment of herself and her minor children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

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family the name was spelled Herten while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harten and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Manie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John F. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I T D 13766-1906) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John F. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 13113-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1745-1906) transmitted a letter from John F. O'Quinn, of Marlow,

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Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marton, child of Franklin W. Marton and Martha Ann Marton; Viola Mauds Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marton; Bertha Ray Marton, daughter of John F. Marton and his wife, Susie Marton; Narcissa Sadie Percival, daughter of William B. Percival and Narcissa Ella Percival; Thomas Foster, child of Hannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. W. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Woolley and James B. Woolley, children of Robert L. Woolley and his wife, Cordie Woolley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Minnie L. Liddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Maultay Loley (as Maultey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary M. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Hannie Vaughan (as Hannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,



Secretary S.

Maudie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 ( I T D 13807-1906 ) the Department requested an immediate report as to the status of the Chocataw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Nannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and those cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1682-1907 ) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Chocataw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1898 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1898 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Ledy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Haulley J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Marciana Sadie Percival, Mammie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

Secretary 10.

William F. McCoy, Buford T. McCoy, Maud Reville, Gerdie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary S. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha E. O'Quinn, Mark G'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James E. Woolley, Annie McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin E. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa E. Thompson and Marcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.



Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16086 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 16, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1235.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Barton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Barton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080,2916,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907,,the schedule of

Secretary 13.

Choctaw by blood, Numbers 16086 to 16101, inclusive,  
Choctaws by marriage Numbers 1623 to 1625, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AB

Land  
31748-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

U.S.

Jun 7 1909

Enrollment case of  
Franklin M. Harton  
et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Golisby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

HCM:G-4

1870

Land  
35748-1909  
J E D

June 1 1909

Enrollment case of Franklin  
M. Harton et al.

The Honorable

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-M) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John E. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

E. G. Valentine

Acting Commissioner.

McMeO-27

June 2, 1909.

APPROVED

Frank Pierce

First Assistant Secretary.

Chectaw 6062

Muskogee, Oklahoma, June 16, 1909.

Mr. William E. Percival,  
Rush Springs, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the consolidated Chectaw enrollment case of Franklin M. Harton, of which your case was made a part, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

W. O. B.

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-475

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902

Rachel S. Horton,

Marlow, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of Congress of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

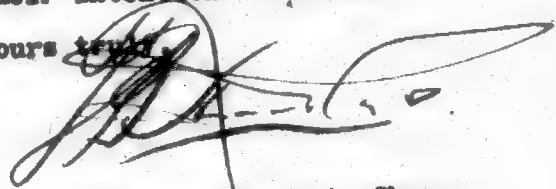
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."



R S H 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment as a citizen of the Choctaw Nation, provided they give you ten days previous notice of their intention to do so.

Yours truly,

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the "Yours truly," text.

Commissioner in Charge.

Register.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-475

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

Mattie Horton,

Marlow, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of Congress of June 28, 1898:

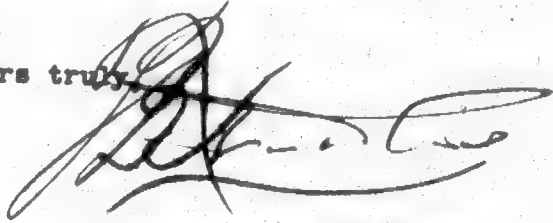
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

M H 2

The representatives of the Choctaw nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

A handwritten signature in dark ink, appearing to be "R. H. Love", written over the typed name "Commissioner in Charge".

Commissioner in Charge.

Register.

COPY.

Muskogee, Indian Territory, April 10, 1902.

Johannis Horton,

Marlow, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of Congress of June 25, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

J H 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment as a citizen of the Choctaw Nation, provided they give you ten days previous notice of their intention to do so.

Yours truly,

SIGNED *T. B. Needles*  
Commissioner in Charge.

Register.

Choctaw R-475

COPY.

Muskogee, Indian Territory, April 10, 1902.

Jimmie Horton,

Marlow, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of Congress of June 26, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"And no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."



J H 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment as a citizen of the Choctaw Nation, provided they give you ten days previous notice of their intention to do so.

Yours truly,

SIGNED *T. B. Needles*  
Commissioner in Charge.

Register.



COPY.

Muskogee, Indian Territory, April 10, 1902.

Mary M. Horton,

Marlow, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the act of Congress of June 20, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

MMH 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment as a citizen of the Choctaw Nation, provided they give you ten days previous notice of their intention to do so.

Yours truly,

SIGNED *T. B. Needles.*  
Commissioner in Charge.

Register,

COPY

Muskogee, Indian Territory, April 10, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls, in the possession of the Commission to the Five Civilized Tribes, it appears that the names of Mattie Horton, Rachel B. Horton, Johnnie Horton, Jimmie Horton and Mary M. Horton are enrolled thereon at page 145, Nos. 5993, 5994, 5995, 5996 and 5997, respectively; whereon also appears the following notation: "Enrollment refused."

It appears from the records of the Commission that Franklin M. Horton heretofore made personal application to this Commission for the enrollment of Mattie Horton, John Horton, Rachel B. Horton, James Horton and Mary M. Horton as citizens of the Choctaw Nation, in the cause entitled "Franklin M. Horton, et al., vs. the Choctaw Nation", Choctaw R-475.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902.

M M & C 2

On said date you may introduce additional testimony affecting the right of said applicants to enrollment as citizens of the Cheetaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicants.

You are further notified that the said applicants may at the same time introduce additional testimony affecting their right to enrollment as citizens of the Cheetaw Nation.

Yours truly,

SIGNED *T.B. Needles*

Commissioner in Charge.

Register.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R-475

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, January 31, 1903.

Franklin M. Horton,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself, your wife, Mattie Horton, and your children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens has ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

Register.



Choctaw R-475

COPY

Muskogee, Indian Territory, January 31, 1903.

Marietta S. Thompson,

Rush Springs, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMuray & Carnish, has protested against your enrollment as a citizen of the Choctaw Nation, on the grounds that your name was placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED *Tams Dixby*

Acting Chairman.

Register.

COMMISSIONERS:  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON, L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 475

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 10, 1904.

Franklin M. Horton,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself, your wife, Hattie Horton, your step-mother, Narcissa S. Thompson, and your minor children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.



7-R-475

COPY.

Muskogee, Indian Territory, December 12, 1904.

John A. McClure,

Attorney at Law.

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1904, enclosing brief in the matter of the application of F. M. Horton et al for enrollment as citizens of the Choctaw Nation, and the same has been filed with the record in these cases.

Respectfully,

SIGNED *Tame Bixby*

Chairman.

Muskogee, Indian Territory, August 12, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1906, transmitting the affidavits of John Phillips and William E. Percival, relative to the enrollment of Nancy Ella Harton, and requesting that said affidavits be filed with the record in the case of Martha Ann Harton et al., applicants for enrollment as citizens of the Choctaw Nation.

You are advised that said affidavits have been filed with the record in said case.

Respectfully,

Commissioner.

NEVER IN REPLY TO THE FOLLOWING:

7-R-475

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 16, 1906.

Martha Horton,

Rush Springs, Indian Territory

Dear Madam:

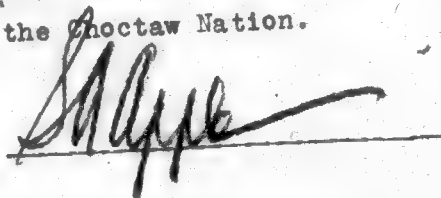
You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at ten o'clock A. M., Monday May 28, 1906, hear the testimony of witnesses in the matter of the application of John T. Thompson for the enrollment of himself and his family as citizens of the Choctaw Nation at which time and place you may also appear for the purpose of introducing testimony in support of the application for the enrollment of yourself and your family as citizens of the Choctaw Nation, it appearing that you are a sister of the said John T. Thompson.

Respectfully,

*W. O. Beam*

Acting Commissioner.

Received of the Commissioner to the Five Civilized Tribes  
a copy of the testimony taken at Muskogee, Indian Territory, on May  
28, 1906, in the matter of the application for the enrollment of  
John T. O'Quinn, et al., as citizens of the Choctaw Nation.

A handwritten signature, likely "S. A. Apple", is written over a horizontal line.

July 13, 1906.

COPY

Muskogee, Indian Territory, December 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of November 17, 1906, (I.T.D. 13766-1906, 13807-1906) in which immediate report is requested as to the present status of the Choctaw enrollment case of John T. Thompson et al., whether a decision has yet been reached in the case and when the record will be transmitted to the Department.

The Department also requests to be advised the present status of the cases of William H. McCoy et al., Charles B. Darkin et al., Franklin M. Harton et al., William E. Percival et al., John T. Thompson et al., Kannie Foster (formerly Vaughn) et al., and John O'Quinn reported to have been consolidated with the case of John T. Thompson et al. above mentioned.

Reporting in this matter I have the honor to advise that the cases of William H. McCoy et al. have been consolidated with the case of John T. Thompson et al. and this case is now receiving consideration and a decision will be rendered within the near future and forwarded to the Department as early as practicable.

Secretary 2

I have to advise that a report was made to the Department in the Choctaw enrollment case of John T. Thompson et al. on November 14, 1906.

Respectfully,

SIGNED

*Tamie Diney*

Through the Commissioner  
of Indian Affairs.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-B-475

23 -974

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

John Harton,

Porum, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for your enrollment and the enrollment of your child, Bertha May Harton, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.



REFER IN REPLY TO THE FOLLOWING:

23- 975

7-R-475

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Rachel Hunt,

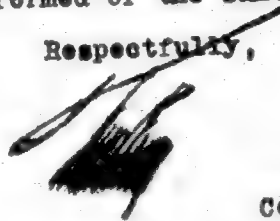
Perum, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision of the Commissioner to the Five Civilized Tribes, granting the application for the enrollment of Rachel Marton and Viola Mande Hunt, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.

Muskogee, Indian Territory, January 31, 1907.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of your letter of January 28, 1907, transmitting appeal and brief in the consolidated enrollment case of Franklin M. Harton, et al.

You are advised that said brief has this day been forwarded to the Secretary of the Interior.

Respectfully,

MH

Commissioner.

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir: .

Referring to departmental letter of February 23, 1907, (I.T.D. 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, I have the honor to report that on January 17, 1907, there were forwarded the Department schedules comprising the names of persons whose applications for enrollment were granted in the Choctaw enrollment case of Franklin M. Harton et al. as follows:

Schedule of

Choctaws by blood 16066 to 16101 inclusive.  
Choctaws by marriage 1623 to 1625 inclusive.  
Minor Choctaws (April 26, 1906) numbers 844 to 856 inclusive.

The decision in this case, the schedules above referred to and the letters of January 17, 1907, transmitting said schedule were all forwarded to the Department with a letter of January 19, 1907.

The case of Franklin M. Harton et al. is analogous with

Secretary 2.

the case of William C. Thompson.

I have therefore to recommend that my decision of January 10, 1907, which was transmitted January 19, 1907, be not approved by the Department and that the schedules above described transmitted with letter of January 19, 1907, be disapproved by the Department.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

J. F. Jr.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

S.P.

D.C. 13023-1907.  
I.T.D. 6588-1907.

March 2, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 28, 1907 (Land 15812-07), the Indian Office transmitted your report, dated January 19, 1907, forwarding the record of proceedings in the consolidated case of Franklin M. Harton, et al., together with your decision, dated January 10, 1907, granting the applications of certain of the applicants and dismissing the applications of others.

The Indian Office recommends that, inasmuch as the applicants occupy an analogous status to the persons embraced in the case of William C. Thompson, your decision be reversed. A copy of its letter is inclosed.

In view of the opinion of the Attorney General, dated February 19, 1907, the Department concurs in the recommendation of the Indian Office and your decision, dated January 19, 1907, is hereby reversed and the application of those parties named therein are hereby denied.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office for its files.

1 inc. and  
10 to Ind. Of.

Respectfully,  
(Signed) Jesse R. Wilson,  
Assistant Secretary.

W.C.F. 3/5/07.

Refer in Reply  
to the following:

LAND

7293-1907.  
10579-1907.  
13725-1907.  
18367-1907.  
18983-1907.  
13812-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 28, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report of Commissioner Bixby, dated January 19, 1907, forwarding the record of proceedings in the consolidated cases of Franklin M. Harton, et al., together with additional proceedings had in these cases, and decision of Commissioner Bixby, dated January 10, 1907, granting the applications for enrollment as citizens by blood of the Choctaw Nation of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha B. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville,

(2)

John D. Woolley, James B. Woolley, Amina McCoy, and Fay McCoy, and the applications for the enrollment of Fannie May O'Quinn, Katie Thompson, and Mary G. McCoy as citizens by intermarriage, and denying the applications of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson, and Hazel Maude Thompson, for enrollment as citizens by blood, the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson, and William E. Percival as citizens by intermarriage; and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson, and Narcissa Ella Percival as citizens of the Choctaw Nation.

Inasmuch as the applicants herein occupy an analogous status to the persons embraced in the case of William C. Thompson, et al., and in view of the decision of the Department of Justice of February 19, 1907 in the case of William C. Thompson, et al., denying their enrollment, the Office recommends that the decision of Commissioner Bixby be reversed as to the applicants enrolled in his decision transmitted herewith, and that all of the applicants herein be denied enrollment as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EBM-LC..



LRS

J.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

DC-13370-1907  
I.T.D. 6918-1907.  
2080-2716-3000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the schedule of  
Chestaws by blood, Nos. 16066 to 16101 inclusive;  
Chestaws by marriage, Nos. 1623 to 1625 inclusive; and  
Minor Chestaws (April 26, 1906), Nos. 844 to 856, inclusive,

have been disapproved, and also in view of the opinion of the Attorney-General of February 19, 1907. These schedules were received with Indian Office letters of January 31, 1907 (Land 7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907 (Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

15 inc. for Ind. Of. with  
copy hereof.

LRS

J.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

DC-13370-1907  
I.T.D. 6918-1907.  
2080-2716-3000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the schedule of Ghosts by blood, Nos. 16066 to 16101 inclusive; Ghosts by marriage, Nos. 1623 to 1625 inclusive; and Minor Ghosts (April 26, 1906), Nos. 844 to 856, inclusive, have been disapproved, and also in view of the opinion of the Attorney-General of February 19, 1907. These schedules were received with Indian Office letters of January 31, 1907 (Land 7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907 (Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

15 inc. for Ind. Of. with  
copy hereof.

W72  
7-6061  
9-D-114

Muskegee, Indian Territory, March 21, 1907.

John A. McClure,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 17, 1907, asking the status of the application for the enrollment of Nettie M. Lewis and her children, F. M. Harton and his family and Laura McAfee and her children.

In reply to your letter you are advised that on June 15, 1906, the Commissioner to the Five Civilized Tribes denied the application ~~and~~ petition for the enrollment of Nettie Brown formerly Lewis, as an intermarried citizen of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior.

You are further advised that on March 4, 1907, the Secretary of the Interior disapproved the enrollment of Franklin M. Harton et al. as citizens of the Choctaw Nation.

You are informed that on November 29, 1904 the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Laura McAfee as a citizen of the Chick-

J. A. McC. 42

asaw Nation and on the same date the record in this case was forwarded to the Secretary of the Interior. December 24, 1904, this action was approved by the Department and her case is therefore considered closed.

You are further informed that Ida O. Colbert and Bessie Lee Colbert, children of Laura Colbert now McAfee, were approved by the Secretary of the Interior December 12, 1904.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-6061.

23-974.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

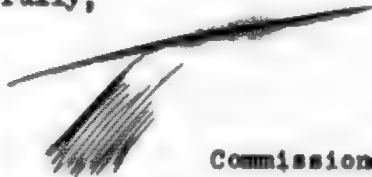
John Harton,

Porum, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 2, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of January 10, 1907, granting the application for the enrollment of yourself and Mattie Harton, James Harton, Rachel Harton, Mary M. Harton, Nancy Ella Harton, George Pope Harton, Bertha May Harton and Viola Maude Hunt as citizens by blood of the Choctaw Nation, and on March 4, 1907, disapproved the schedule of citizens by blood of the Choctaw Nation on which the names of Mattie Harton, John Harton, James Harton, Rachel Harton, Mary M. Harton, Nancy Ella Harton, George Pope Harton, Bertha May Harton and Viola Maude Hunt appear.

Respectfully,



Commissioner.

Muskogee, Indian Territory, April 25, 1907.

S. A. Apple,

Attorney At Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, 1907, stating that you have been informed that the Attorney General of the United States recently rendered an opinion in the consolidated Choctaw enrollment case of William C. Thompson, et al., in which he holds that the applicants in that case are not entitled to enrollment. You state that you are attorney of record for Franklin M. Harton, et al., who claim their blood through the same common ancestor as William C. Thompson, and you request to be advised what action, if any, has been taken in the case of Franklin M. Harton, et al. You also request to be furnished a copy of the opinion of the Attorney General in the case of William C. Thompson, et al.

In reply you are advised that on March 2, 1907, the Secretary of the Interior reversed the decision of this office in the consolidated case of Franklin M. Harton, et al., and denied the right to enrollment of the persons included therein, and on April 15, 1907, you were notified of this action.

S. A. A. - 2.

In compliance with your request there is inclosed herewith a copy of the opinion of the Attorney general of the United States of February 19, 1907, in the case of William C. Thompson, et al.

Respectfully,

Commissioner.

LBA 25-1.



Refer in reply to the following:

*ms*  
Choctaw 6061  
Choctaw Minor  
974.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*W.S.A.*

Muskogee, Oklahoma, June 16, 1909.

Mr. John Harton,  
Porum, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thorpe*  
Acting Commissioner.

AB

Refer in reply to the following:

*ms* Choctaw 6061

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*msa*

Muskogee, Oklahoma, June 16, 1909.

Mr. John Thompson,

Rush Springs, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

AB

*Thorpe*  
Acting Commissioner.

Choc 6062

Jesse Percival

Trans from 7-R-225 Jan 26, 1907

Jan 10, 1907 Granted

Jan 19, 1907 Record forwarded Dept.

March 4, 1907 Dept. reverses decision  
of Commissioner + disapproves  
schedules containing names of  
applicants.

6062

LRS

J.P.  
PHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

DO-13370-1907  
I.T.D. 6918-1907.  
2080-2716-3000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the schedule of  
Cheetaws by blood, Nos. 16066 to 16101 inclusive;  
Cheetaws by marriage, Nos. 1623 to 1625 inclusive; and  
Minor Cheetaws (April 26, 1906), Nos. 844 to 856, inclusive,

have been disapproved, and also in view of the opinion of the Attorney-General of February 19, 1907. These schedules were received with Indian Office letters of January 31, 1907 (Land 7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907 (Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

18 inc. for Ind. Of. with  
copy hereof.

Choc 6063

Nannie Vaughan

Trans from 7-R-725 Jan 26, 1907

1-10-07 Granted

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner  
reversed by Dept. and schedules  
containing names of applicants  
disapproved.

6063

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Mamie Vaughan for enrollment of herself and children as Choctaws; being sworn and examined by Commissioner Lewis and testifies as follows:

Q What is your name? A Mamie Vaughan.

Q How old are you? A Twenty-three.

Q Have you some children? A Yes sir.

Q What is the name of the oldest? A Hattie, eight years old, Callie, five years old, Stella, three years old; Roy, one year old.

Q Were you ever admitted by the Choctaw Council? A No sir.

Q Were you ever on the roll until 1896? A No sir, not that I know of.

Q Your children were never enrolled either until that time?

A No sir.

Q Where did you enroll? A At Kiowa.

Examined by Chas. Don't Lewis:

Q Why did you come down to Atoka to enroll instead of enrolling before the board that was there on the line of the Rock Island Railroad near your home? A We didn't know there was any there.

Examined by Com'r McKennon:

Q Where did you live at that time that you enrolled? A At Marlow.

Q Did you appear before the commission anywhere except at Kiowa?

A No sir; all of us appeared at Paul's Valley when they was there.

Q Lewis: When you were enrolled the first time, you say you were at Kiowa? A Yes sir.

Q Where did you appear before the second board? A I don't know.

Q Didn't you know the commission was at Duncan enrolling Choctaws residing in the Chickasaw Nation? A No sir.

Hanna Vaughan et al (2)

Q Never heard of it? A No sir.

Examined by Gen'l McKannon:

Q How long have you been in the Choctaw and Chickasaw nations?

A I was raised here.

Q How were you recognized at all before that? A No sir.

Q Once Gen'l Lewis: You had Mr. Homer employed as your attorney

A Yes sir.

A Gen'l McKannon: The roll prepared by the Choctaw authorities having been made under the Act of council approved October 30th, 1896, your enrollment and that of your children upon that roll was without authority of law, as you were never admitted by any Act of council, and never enrolled until that time, and your enrollment and that of your children will be refused.

Q You are the daughter of Harrietta Thompson? A Yes sir.

Q And you were enrolled at the same time she was, and by the same parties? A Yes sir.

Q Didn't you make application to the Daves Commission? A I don't know, I did have a man to do it, but I don't know whether he did it or not.

Examined by Choc Att'y Shuckelford:

Q You were all rejected too weren't you? A I don't know.

Q You heard you were? A Yes sir. We heard it.

-----

F.M. Horton, re-called, states:

Q Did you make application to the Daves Commission in 1896, you and your family? A I sent letters to Mr. Sharp to make application for me.

Q Did you never have a conversation with Mr. Sharp about it?

A No sir, never no personal conversation.

Q Did you get notice that you were refused? A No sir.

Q Did you ever hear that you were refused? A Never did hear



Hannie Vaughan et al - F.H. Horton witness (3)

that I was either rejected or accepted.

Q And never made any inquiry about it? A No sir.

Q Can you tell why it is you wouldn't make inquiry about a matter of so much importance as that? A Because I was placed on the Choctaw rolls.

Q That was after you heard from the Daves Commission? A No sir, I never heard from the Daves Commission.

-----

Hannie Vaughan, re-called, states:

Q You heard that you were refused? A It came out in the paper that we were marked off.

Q You saw it in the papers? A It came out in the papers that we were marked off.

Q By the Daves Commission? A No, not by the Daves Commission, I don't know who marked it off.

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F.H. Horton, re-called, states:

Examined by Att'y Moultrie:

Q Who is Mr. Sharp, at Purcell? A I never saw the man; I wrote to him, and sent him some affidavits.

Q Has he a partner? A Yes sir he had at that time.

Q Who was it? A Davis A. Homer.

-----

Department of the Interior,  
Commission to the Choctaw and Chickasaw Tribes.

I hereby certify that the foregoing is a true and correct translation of my stenographic notes.

*M. P. Green*

*M.F.*  
*DBW*

7-R-725.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nannie Vaughan and her four minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the records of the Commission that during the month of September 1899 Nannie Vaughan appeared before the Commission at South McAlester, Indian Territory and made personal application for the enrollment of herself and her four minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

It does not appear from the evidence submitted in support of this application and from the records in the possession of the Commission that any of the applicants herein has ever been admitted to citizenship in the Choctaw Nation by a duly constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), nor does the name of any of the applicants appear upon any of the tribal rolls of the Choctaw Nation, with the exception of the 1896 Choctaw Census Roll, which enrollment, it is contended, was without authority of law.

It appears from the records of the Commission that on September 9, 1896 in the case entitled "Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 1394), original application was made to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicants, Nannie Vaughan (as Nancy S. Thompson, now Vaughn), Hattie Vaughan (as Hattie Vaughn) and Callie Vaughan (as Callie Vaughn), as citizens by blood of the Choctaw Nation and on December 8, 1896 said applicants were by this Commission denied admission as citizens by blood of the Choctaw Nation, from which decision no appeal was taken.

It further appears from the record herein that on January 6, 1897 application was made to the so-called Revisory

Board, appointed under an act of the General Council of the Choctaw Nation approved October 30, 1896, for the enrollment of the applicants, Nannie Vaughan, Hattie Vaughan, Callie Vaughan and Stella Vaughan, as citizens of the Choctaw Nation, and that said Nannie Vaughan (as Nannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Vaughn) and Stella Vaughan (as Stella Vaughn) were, by said Revisory Board, enrolled upon the 1896 Choctaw Census Roll, numbers 12631, 12632, 12633 and 12634, respectively. Such application to said revisory board was made subsequent to the rendition by this Commission of its decision of December 8, 1896 wherein the rights of said applicants had been fully adjudicated; and, the rights of said applicants having been thus judicially determined, the so-called Revisory Board of the Choctaw Nation had no authority to again pass upon the rights of said applicants as citizens of the Choctaw Nation. Furthermore, said Revisory Board had no legal existence having been created subsequent to September 10, 1896, the time when the jurisdiction of the Choctaw Nation to receive applications for enrollment as citizens of that tribe expired, as provided in the act of Congress approved June 10, 1896 (29 Stat., 321).

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicants herein were, on March 20, 1902, notified by registered mail that they would be allowed thirty days from that date within which to set forth that they claimed the right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case. Subsequently said notice was returned to this Commission unclaimed.

A portion of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495) provides that:

"Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law enrolling such only as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribe."

It is the opinion of this Commission that the names of the applicants, Nannie Vaughan (as Nannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Vaughn) and Stella Vaughan (as Stella Vaughn), were placed upon the

3.

1896 Choctaw Census Roll without authority of law and that said names should, therefore, be eliminated and stricken from said roll.

It is further the opinion of this Commission that the application for the enrollment of Marmie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation should be denied, in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

*Tamie Lacey*

Chairman.

(SIGNED).

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

JAN 21 1905

7-R-725  
685  
73  
205  
217  
225  
475  
23-971  
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978  
979  
1001

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment  
of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

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D E C I S I O N .

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It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens of blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John



Moody. Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn, and his minor daughter, Dolphy O'Quinn, and Minnie L. Laddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of W. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No., 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No., 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation; together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harton, relative to the right to enrollment of herself, her husband, Frances M. Harton, and her children, John F. Harton, James W. Harton, Rachel S. Harton, Mary M. Harton, and Nancy E. Harton, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Harton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Hettie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Elide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma C. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,



Indian Territory, dated April 5, 1906, relative to the application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906 John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office in Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation has been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, On Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan ( now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May, 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan ( now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

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On May 23, 1906, there was filed with the commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights to Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, ascitizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 ( 34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroke Peville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Peville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James W. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Gordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 ( 29 Stats., 321):

Sarah Jane Thompson, now Darken,  
Benjamin Welch,  
Maultsie Welch,  
Walter Welch,  
Johnny Darken,  
Martha Ann Thompson, now Harton,

James William Harton,  
 John F. Harton,  
 Susie Harton  
 Narcissa Ella Thompson, now Percival,  
 Jesse Percival,  
 Taylor Percival,  
 Forrest Percival,  
 Rebecca Percival,  
 Katie Percival,  
 Nancy S. Thompson, now Vaughn,  
 Hattie Vaughn,  
 Callie Vaughn and  
 Nannie Vaughn.

The records in the possession of the commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No., 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the commissioner to the Five Civilized Tribes except in 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No., - 10029
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531

Charles S. Thompson ( as Charles Thompson) Opposite No., -	12532
John M. Thompson ( as Jno . Thompson)	12533
John Henry Darken ( as Jno Henry Darken)	3626
Charles B. Darken, Jr. ( as Charles B. Darken)	3627
Benjamin Oliver Welch ( as Benjamin Welch)	14020
Walter Welch	14021
Maultsy Loley ( as Maul sey Lawley)	8348
Mattie Horton	5993
Rachel Hunt ( as Rachel S. Horton)	5994
John Horton ( as Johnie Horton)	5995
James Horton ( as Jimmie Horton)	5996
Mary M. Horton	5997
Narcissa Ella Percival ( as Narcissus Percivill)	10554
Jesse Percival ( as Jesse Percivill)	10555
Taylor Percival ( as Taylor Percivill)	10556
Forrest Percival ( as Forrest Percivill)	10557
Katie Percival ( as Kate Percivill)	10558
Rebecca Percival ( as Rebecca Percivill)	10559
Nannie Vaughan ( as Nannie Vaughn)	12631
Hattie Vaughan ( as Hattie Vaughn)	12632
Callie Vaughan ( as Callie Vaughn)	12633
Stella Vaughan ( as Stella Vaughn)	12634
William H. McCoy	9507
Ruford T. McCoy	9508
Maudie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears on said roll as Kate Thompson, opposite No 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he identify upon the said roll the names of her children who were then living; that as attorney for the applicant, he asked for the "roll of citizen by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5, that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the other there appears the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claims citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizen of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of the pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the commission by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years old, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw Census roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on the roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probably that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third



person, and it is probably that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al.,

I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian territory on June 28, 1898, and whose names appear upon the 1896 Choctaw census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles R. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Ruford W. McCoy, Maud Reville, Cordie Woolly and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Peville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.



Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the act of congress approved July 1, 1902 ( 32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 ( 32 stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the act of Congress approved April 26, 1906 ( 34 stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES/

Muskogee, Indian Territory,

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7-R-725  
971

Muskogee, Indian Territory, January 10, 1907.

Wannie Foster,

Winnakah, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of yourself and children, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan and Thomas Foster as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

7-R-725  
971.

7-R-725, et al.

COPY.

Muskogee, Indian Territory, January 10, 1907.

Chester Howe,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leady, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Hannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke, Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, as citizens by blood of the Choctaw Nation, the application

C. H. - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles E. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Lewis Bixby*  
Commissioner.

Registered.

Incl. 7-A-725 et al.

7-R-725 et al.

COPY:

Muskogee, Indian Territory, January 10, 1907.

E. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles VB. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Hattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pepe Harton, Viola Maude Hunt, Thomas Fester, Clara May Reville, Thomas Pembroke, Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as citizens by blood of the Choctaw Nation, the application

S.A.A. - - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, as citizens by intermarriage of the Choctaw Nation, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles R. Darken, Anna Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.

Incl. 7-R-725, et al.

7-B-735 et al.

COPY  
Muskogee, Indian Territory, January 10, 1907.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Winnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Needy Thompson, John Henry Darken, Charles VB. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Hattie Harton, John Harton, Rachel Harton, James Harton, Mary E. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Weelley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke, Reville, John D. Weelley, James B. Weelley, Amina McCoy and Fay McCoy as citizens by blood of the Choctaw Nation, the application



S.A.A. - - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, as citizens by intermarriage of the Chectaw Nation, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Wanda Thompson, as citizens by blood, the application for the enrollment of Franklin W. Harton, Charles E. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa E. Thompson and Narcissa Ella Percival, as citizens of the Chectaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Tams Bixby*

Commissioner.

Registered.

Incl. 7-A-725, et al.

7-R-725, et al.

COPY.

Waskaroc, Indian Territory, January 10, 1907.

Chester Howe,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ellie Odolphus O'Quinn, Minnie L. Laddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Needy Thompson, John Henry Darken, Charles E. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harten, John Harten, Rachel Harten, James Harten, Mary M. Harten, Nancy Ella Harten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha B. O'Quinn, Mark O'Quinn, Bertha May Harten, George Pope Harten, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke, Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, as citizens by blood of the Choctaw Nation, the application

C. H. - #2.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Persival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Persival, as citizens, of the Chectaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Lennie Dixon*  
Commissioner.

Registered.

Incl. 7-B-725 et al.

COPY.

Muskogee, Indian Territory. January 10, 1907.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaws and Chickasaws,

South McAlistar, Indian Territory.

Gentlemen:

You are hereby advised that on January 10, 1907, the Commissioner to the Five Civilized Tribes rendered a decision granting the applications for the enrollment as Citizens by blood of the Choctaw Nation John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, and the applications for the enrollment of Fannie May O'Quinn,

M.M.C. #2.

Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the applications of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson for enrollment as citizens by blood, the application for the enrollment of Franklin E. Barton, Charles B. Darken, Elma Geneva Thompson and William L. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Marcissa S. Thompson and Marcissa Ella Percival, as citizens of the Choctaw Nation.

There is enclosed herewith a copy of the decision of January 10, 1907, and in view of the limited time in which the work of the enrollment must be completed, I have to request that if you desire to file a protest to this decision that you forward the same to this office within five days from this date. If at the expiration of that time, no protest is filed, the names of these persons will be placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation to be forwarded to the Secretary of the Interior, together with the record in this case and the decision of January 10, 1907.

Respectfully,

Commissioner

D.O.M.

GAW

DEPARTMENT OF THE INTERIOR,  
WASHINGTON/

J.W.H.  
J.W.H.  
W.C.P.  
P.W.L.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Louittia Crutchfield.
16106	Everett Crutchfield

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflora Long.
922	Jake Laflora Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.



It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesse Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Hattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen, by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary 3.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Nannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Dolphy (Ollie

Secretary 4.

Odolphus O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this



Secretary 5.

family the name was spelled Horton while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Nanie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I T D 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary 6.

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marton, child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Bertha Hay Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. N. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Minnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Maultsy Loley (as Maulsey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary M. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Baughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary 8.

Maudie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 ( I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Nannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation, was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

Secretary 10.

William N. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrock Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa S. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.



Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 ( I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 ( I T D 2080,2716,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,  
Choctaws by marriage Numbers 1623 to 1625, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AB

1  
W R L

Land  
31742-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

G.R.  
Jun 7 1909

Enrollment case of  
Franklin M. Harton  
et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

G. F. Hauke

Chief Clerk.

NUMC-4

1870

Land  
32748-1909  
J E D

Jun 1 1909

Enrollment case of Franklin  
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John E. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine

Acting Commissioner.

McMcC-27

June 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

Choctaw 6063  
Choctaw Minor  
971

Muskogee, Oklahoma, June 16, 1909.

Mrs. Hannie Foster,

Ninnekah, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

COPY.

Muskogee, Indian Territory, January 30, 1901.

O. H. Vaughan,

Duncan, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant in which you desire to be informed if the names of Nannie, Hattie, Callie, Stella and Roy Vaughan appear upon the roll of citizens of the Choctaw Nation.

You are informed that the records of this Commission show that at South McAlester, Indian Territory, in September, 1899, Nannie Vaughan appeared before the Commission and made application for the enrollment of herself and her four children, Hattie, Callie, Stella and Roy Vaughan as citizens of the Choctaw Nation. The Commission found the names of Nannie Vaughan and her first three children upon the 1896 tribal rolls of that Nation but it further appeared that their names were placed on such tribal roll by a revisory board under an act of the Choctaw Council approved October 30th, 1896 and that such enrollment was without authority of law.

It further appeared from the evidence in this case that Nannie Vaughan and her children were never upon any tribal roll until the 1896 roll and the Commission therefore refused their enrollment as citizens of the Choctaw Nation.

Yours truly,

SIGNED: Mrs. J. D. Smith

7-R-728

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Hannie Vaughan,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that the Chectaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cernish, has protested against the enrollment of yourself and your children, Hattie, Callie and Stella Vaughan, as citizens of the Chectaw Nation, on the ground that your names were placed upon the 1896 Chectaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Chectaw Nation relative to the enrollment of certain persons upon the 1896 Chectaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

UNCD  
Acting Chairman.



Choctaw R 725

COPY.

Muskogee, Indian Territory, February 8, 1904.

Hannie Vaughan,

South McAlester, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and your minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

7-R-725

Muskogee, Indian Territory, November 23, 1904.

G. W. Duke,

Talihina, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 21, 1904, asking what disposition has been made of the Minnie Rose (formerly Vaughn) case.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Nannie Vaughn for enrollment of herself and her children, Mattie, Callie, Stella, and Roy Vaughn as citizens of the Choctaw Nation.

If this is not the person to whom you refer and you will give further information relative to the time and place application was made for her enrollment, the matter of your inquiry will receive further consideration.

Respectfully,

SIGNED *Tame Dixie*

Chairman.

COMMISSIONERS.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. O. B.

REFER IN REPLY TO THE FOLLOWING:

Choctaw R 725

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 21, 1905.

Nannie Vaughan,

Talihina, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 21, 1905, denying the application for enrollment of yourself, and daughters, Hattie Vaughan, Callie Vaughan, Stella Vaughan and son, Roy Vaughan, as citizens by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered.

Incl. 7-R-725

Chairman.

Refer in reply  
to the  
following:

Land.  
6655-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1905, transmitting the record of the application for enrollment as citizens by blood of the Choctaw Nation by Nannie Vaughan for herself and her four minor children, Hattie, Callie, Stella and Roy Vaughan.

January 21, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants has ever been enrolled or admitted to citizenship by any lawful tribal authority of the Choctaw Nation or by any United States tribunal.

It appears from the record that on September 9, 1896, in a case entitled Sarah Jane and Martha Ann Thompson versus the Choctaw Nation original application was made to the Commission for the admission of the applicants, Nannie Vaughan (as Nancy S. Thompson, now Vaughn), Hattie Vaughan (as Hattie Vaughn) and Callie Vaughan (as Callie Vaughn), as citizens by blood of the Choctaw Nation and on

December 8, 1896, the said applicants were denied admission as such citizens, from which no appeal has been taken.

It further appears that subsequent to the decision of the Commission and on January 6, 1897, the applicants, Nannie Vaughan, Hattie Vaughan, Callie Vaughan and Stella Vaughan applied to the so-called Revisory Board of the Choctaw Nation for enrollment as citizens of said Nation and they were enrolled by said Revisory Board upon the 1896 Choctaw Census Roll. It further appears that the said Revisory Board had at that time no legal existence.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.  
W.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

FHE.

D.C. 13107-1906.  
I.T.D. 1272-1905.

April 5, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered the record transmitted January 21, 1905, by the Commission to the Five Civilized Tribes, in the matter of the application of Nannie Vaughan, et al, for enrollment as citizens by blood of the Choctaw Nation.

While the testimony in this case is meager, it discloses that the principal applicant, "Nannie Vaughan, was born about the year 1876. It does not show her place of birth, but the applicant testifies: "I was raised here," meaning probably the Choctaw Nation. The record also shows that she is the daughter of Nannie Thompson, but does not disclose where the latter was born nor her place of residence during early life. The record is also silent as to the applicant's father, showing neither his name, citizenship, birth nor places of residence. It does show, however, that the applicants' names are borne upon the 1896 census roll of the Choctaw Nation. This enrollment, as appears from the decision of the Commission in the case, was made early in January of 1897, by the Revisory Board

of the Choctaw Nation, under an act of the Council approved October 30, 1896.

It further appears that a petition was submitted to the Dawes Commission in 1896 for the enrollment of these applicants. This petition was denied by the Commission. The principal applicant testifies, however, that she was not given notice of the decision of the Commission, and that she "never heard from the Dawes Commission."

It is observed that certain testimony taken February 10, 1903, for the purpose of impeaching the enrollment of certain persons whose names appear upon the 1896 census roll of the Choctaw Nation, was made a part of the record in this case. Said testimony is not entitled as of any particular case, and appears to be wholly ex-parte. Similar testimony substantially to the same effect was taken April 6, 1903, and made a part of the record in the case of Napoleon B. Brashears, et al.

In the approved opinion of the Assistant Attorney General of July 10, 1905, relative to the latter case, the character of this testimony of April 6, 1903, was pointed out, as well as the impropriety of receiving it in evidence. While the testimony of February 10, 1903, is open to the objections pointed out in the Brashears opinion, it is noted that it relates to the work of a committee appointed under an act passed by the Choctaw Council in 1897, and that a portion of its work was performed under a misapprehension concerning the law relating to the matter, which clearly appears upon the



face of the testimony of Simon Lewis, which is in part as follows:

"This Commission also understood that power to admit to citizenship by either the Commission to the Five Civilized Tribes or the tribal authorities expired on September 10, 1896. For the reason that many names had been wrongfully added as above stated, and for the further reason that this commission understood that whether rightfully or wrongfully, their names had been added without authority of law, it was decided to go through the roll theretofore made up and note names of those that had been added . . . . Notations were made on the 1896 roll opposite the names of those persons who had been added after September 10, 1896, and from such notations and from my personal knowledge I have taken such names from such roll and included them in this statement."

The Department considers that final decision should not be rendered in this case upon the record as submitted. The applicants should be allowed an opportunity to furnish additional testimony in their claims, and reasonable continuance, if necessary, should be given them. They should be advised to submitted testimony showing their Choctaw blood, if any; their places of birth and residence; what recognition or privileges they have enjoyed as Choctaw citizens, and similar testimony concerning their parents. Testimony relating to these matters should be taken together with such other testimony as may be found necessary to a complete adjudication of all the questions involved in their case. Upon the return of the record further consideration will be given their cases upon their merits.

The decision of the Commission of January 21, 1905, was adverse to the applicants, and in Indian Office letter of February 3, 1905, it was recommended that the action of the Commission be approved.

-4-

For the reasons set forth herein the Department does not concur in this recommendation. The decision of the Commission of January 21, 1905, is hereby set aside and you are authorized to re-adjudicate the case. The record is returned for appropriate action in accordance herewith, together with a copy of said Indian Office letter of February 3, 1906.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

2 inclosures.

Through the Commissioner  
of Indian Affairs.

7-R-725

Muskogee, Indian Territory, July 23, 1906.

Jim Vaughn,

Ninnekah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nannie Vaughan and Mrs. M. M. Ranes to the birth of Roy Vaughan child of Jim Vaughn and Mannie Vaughn, May 24, 1899, and the same have been filed with the records of this office as an application for the enrollment of said child.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On January 19, 1907, this office transmitted the record in the matter of the application for the enrollment of Franklin M. Harton, et al., as citizens by blood of the Choctaw Nation (7-R-725), including my decision in said matter, dated January 10, 1907.

The record in said case contains the affidavit of Wirt Franklin, filed with the Commissioner on September 21, 1906, alleging that the names of Sarah Jane Darken, Benjamin Welch, Walter Welch, John Henry Darken and Charles B. Darken appear on a certain roll in the possession of the Commissioner to the Five Civilized Tribes.

In my decision of January 10, 1907, I stated that the roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O," and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; memorandum roll; roll O"; that said book together with a report concerning same was forwarded the Department, with a letter from the Acting Commissioner to the Five Civilized Tribes, dated September 1, 1906, returning certain pe-

(2)

titions forwarded by the Department in its letter of May 7, 1906 (I.T.D. 5244-1906), relative to the application for the enrollment of Nancy J. Murphy, et al., as citizens of the Choctaw Nation.

The Department, with its letter of January 12, 1907 (I.T.D. 15978-1906), relative to the case of Nancy J. Murphy, et al., returned the roll transmitted with this office letter of September 1, 1906.

I now have the honor to report that since the return of said roll an examination has been made of same, and it is found that the names of the persons mentioned in the affidavit of Mr. Franklin do not appear thereon.

The names of said persons, however, do appear in a book in the possession of this office designated as a roll of the citizens of Atoka County, Choctaw Nation, which roll was apparently prepared in the year 1896 in the same manner and under the same authority, if any, as was the memorandum roll transmitted to the Department on September 1, 1906, above referred to, the former being a list of citizens of Atoka County and the latter a list of citizens residing in the Chickasaw Nation.

I believe, therefore, that said roll containing the names of the persons above referred to should be given no more consideration than was given to the memorandum roll which has been before the Department.

(3)

This roll of the citizens of Atoka County was apparently the one referred to by Mr. Franklin in his affidavit of September 21, 1906, but inasmuch as said roll is not an authentic roll, the fact that the names of these parties appear thereon is immaterial and does not in any way affect my decision of January 10, 1907.

I have deemed it advisable to inform you of this misstatement of the record in my decision above referred to, but as the same is immaterial, I have to recommend that my decision of January 10, 1907, be affirmed.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
PHE.

DC-13370-1907  
I.T.D. 6918-1907.  
2080-2716-3000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the schedule of  
Chestaws by blood, Nos. 16066 to 16101 inclusive;  
Chestaws by marriage, Nos. 1623 to 1628 inclusive; and  
Minor Chestaws (April 26, 1906), Nos. 844 to 856, inclusive,

have been disapproved, and also in view of the opinion of the Attorney-General of February 19, 1907. These schedules were received with Indian Office letters of January 31, 1907 (Land 7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907 (Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

15 inc. for Ind. Of. with  
copy hereof.



Refer in reply to the following:

*MS*  
Choctaw 6063  
Choctaw Minor  
971

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*WPA*

Muskogee, Oklahoma, June 16, 1909.

Mrs. Hannie Foster,  
Winnepah, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thos. G. ...*  
Acting Commissioner.

AB.

Choc 6064

William H. McCoy

3-1-09 Dept requests report

4-22-09 Report to Dept

6-2-09 Dept holds case is not  
analogous to Goldsby case and  
declines to take action looking  
to enrollment of applicants

6-11-09 Parties notified

#7

Rescinding decision of Jan 30, 1907  
Feb. 27, 1907

Trans from 7-R205 Jan 26, 1907

Geneva McCoy trans from 7-R205  
Jan 30, 1907

6064  
7909

commission to the Five Civilized Tribes,

South Canadian, Indian Ter.

In the enrollment of William H. McCoy and family as Choctaws;  
being sworn and examined by Com'r McKennon he states:

Q What is your name? A William H. McCoy.

Q How old are you? A Fifty.

Q You claim as a Choctaw citizen by blood? A Yes sir.

Q What is your wife's name? A Mary G.

Q When were you married to her? A In 1873, in Paris, Texas.

Q You then lived in Texas? A Yes sir.

Q When did you come to the Territory? A Eight years ago.

Q Were you born and raised in Texas? A No sir, I was born  
in Georgia and came from there to Texas.

Q How long ago? A In 1867.

Q And have been living there ever since until eight years ago  
you came to the Territory? A Yes sir.

Q Have you been in the Territory ever since? A Yes sir.

Q What are the names of your children? A Buford T., about  
twenty-two years old; Maud, eighteen years old; Gordie, sixteen  
years old; William, eight years old.

Q You and your family just named were never admitted by the  
Choctaw council were you? A No sir.

Q You were never placed upon the Choctaw roll until on the 3th  
day of January 1897 were you? A No sir, never was.

Q Did you make application to the Dawes commission? A No sir.

Q No application made there? A No sir.

Com'r McKennon: As you and your family whose names appear  
above were never adopted by the Choctaw council or the constituted  
authorities of the Choctaw Nation, and were never enrolled as such  
until in 1897 as Choctaw citizens, your enrollment, and that of the

William R. McCoy and family (3)

members of your family named at that time, was without authority of law, and your and their enrollment will, therefore, be now refused.

Department of the Interior

Commission to the Five Civilized Tribes  
I hereby certify upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*McDonnell*

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. February 10, 1903a

7-R-205.

In the matter of the application of William H. McCoy for the enrollment of himself and his four children, Buford T., Maud, Cordie and William McCoy as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of the Choctaw Nation.

Applicant not represented by attorney.

Melvin Cornish representing Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

William H. McCoy being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William H. McCoy.
- Q How old are you? A Fifty two.
- Q What is your post office address? A Marlow.
- Q You are an applicant to this Commission for the enrollment of yourself and four children, Buford T., Maud, Cordie and William as citizens by blood of the Choctaw Nation? A Yes, sir.
- Q Also for the enrollment of your wife, Mary G. McCoy as a citizen by intermarriage? A Yes, sir.
- Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by any act of the Choctaw National Council? A I made application to the general council but it was not put before that general council; there was a census or citizenship Commission and my application was placed before that Commission and they passed upon it and admitted me to citizenship but I never was placed upon the roll.
- Q When was that? A That was October 1896.
- Q Had you ever prior to that time in any manner been recognized as a citizen of the Choctaw Nation? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory? A No, sir.
- Q Your only recognition as a citizen was your admission by this board of Commissioners who passed upon the application submitted by in the fall of ninety-six? A Yes, sir.
- Q There was no tribal recognition of you or your family prior to that time? A No, sir.

The names of the applicants are found upon the 1896 census roll of the Choctaw Nation furnished the Commission to the Five Civilized Tribes as follows:

9507	Wm H. McCoy,
9508	Buford McCoy,
9509	Maud McCoy,
9510	Cordia McCoy,
9511	Wm McCoy
14892	Mary G. McCoy



Witness excused.....

Simon E. Lewis, called as a witness, after being first duly sworn testified as follows: -

Examination by the Commission

- Q What is your name? A Simon E. Lewis.
- Q What is your age? A Sixty-two.
- Q What is your post office address? A McAlester.
- Q Have you ever held any official positions in the Choctaw Nation?
- A Yes, sir; several. I have been Circuit Judge; District Attorney; District Collector and Inspector on the M. K. & T. Railway and I was also Chairman of the census board of the first district in 1896.
- Q You say you was Chairman of the Census Board for the first District of the Choctaw Nation in the preparation of the 1896 census roll? A Yes, sir.
- Q Were you personally acquainted with William H. McCoy? A I saw him there at Tuskahomma.
- Q The name of William H. McCoy is found upon the 1896 census roll of the Choctaw Nation furnished the Commission to the Five Civilized Tribes. Do you know how his name happened to be placed upon this roll? A I don't know; I suppose he applied there but I don't remember that particular case.
- Q Had William H. McCoy and his children ever been recognized as citizens of the Choctaw Nation prior to the preparation of this 1896 census roll? A No, sir; not that I know of.
- Q How did he procure this enrollment? From what I remember he applied to the census board of Atoka county and they took some action, I don't know what, and he came down there.
- Q When was that? A 1896, in the fall.
- Q What time in 1896? A It must have been in October or November; I don't know which. I was taking the census of the first District but the different Chairmen of the different districts was what constituted the revisory board.
- Q When did they meet? A About the 22nd of December.
- Q 1896? A Yes; we were limited to ten days to revise that; we met in December and worked on it for three days and then adjourned until after Christmas.
- Q Were the revisory board authorized by the Choctaw Council to add any names to that roll? A Yes; I think so; we put several on any way.
- Q When was the act of the Choctaw Council approved authorizing this revisory board to add names to the roll? A I think it was passed in October 1897. They had had a roll before that.
- Q You mean 1896? A 1896 I mean; there had been a bill passed previous to that, and the roll in the Chickasaw Nation had been made under that. It seems that the County officers had made such a bobble of it that they had it to do over again. It was gone over by a second board. The law allowed us ten days and I think we spent three days before Christmas and took up the other seven days in January 1897. There were a great many names put on the roll at Tuskahomma that I don't know anything about and after the board adjourned there were a lot more put on at Paris Texas by Alex Durant, -- A B. Durant

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

#3

reported in full all the proceedings had in the above entitled cause on February 10, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*E. Rosinwinkel*

Subscribed and sworn to before me this 11 day of February 1903.

*Charles H. Sawyer*

Notary Public.



Marlow, I. T.

April 13-05.

Gentleman of the Department of the Interior

I want to know is my wife Neva McCoy cant be inroled as and intermariedg Sitz of the Choctaw Nation Neva Woolley wer married to myself Buford T. McCoy March 15 - 1901 rite me about it soon I have never made eny aplication for her so I want to know what to do about it

Respectfully

(Signed) Buford T. McCoy.

Commission to Five Tribes.  
No. 19571-1905.  
Received Apr. 19, 1905.

7-R-205.

Muskogee, Indian Territory, April 26, 1905.

Buford T. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 13th, in which you ask if you can have your wife enrolled as an intermarried citizen of the Choctaw Nation. You state that you and Neva Woolley were married March 15, 1901, and that you have never made any application for her, and you wish to know what steps can be taken in the matter.

In reply to your letter, you are advised, it does not appear from our records that application has been made to this Commission for the enrollment of your wife, Neva McCoy, as an intermarried citizen of the Choctaw Nation, and under the provisions of the Act of Congress approved July 1, 1902, the Commission is now without authority to receive and consider such an application in her behalf.

Respectfully,

Chairman.

(Detach &)

U. S. Registered Mails go to every post office in the world. Letters may be registered at any post office or at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the residential districts of cities.

For registered mail delivered through a U. S. post office, the sender receives, without request or extra charge, a return receipt signed by the addressee or his agent. For registered mail delivered in a foreign country the sender receives a return receipt signed by the addressee or his agent. If the words "Return Receipt Demanded" appear on the envelope or wrapper.

Letter  
Parcel

No. 2708 6/26 P. O.

Received for registration, 190 , from

Apple Franklin  
addressed to Mansfield M. C. & Co.  
McAlester, Okla.

class postage prepaid.

Postmaster, per

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE LAND OFFICE

JUL 12 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

-----

TO MANSFIELD, McMURRAY & CORNISH;

You are hereby notified that on Thursday, July 12, 1906, at 9 o'clock A. M., or on that date at the convenience of the commissioner to the five civilized tribes, we will introduce before said commissioner at his general office in Muskogee, Indian Territory, testimony and evidence tending to establish the right to enrollment of the applicant in the above named case.

You will take due notice of the time and place so that you may, if you so desire, be present at said hearing.

Apple V. Franklin  
Attorneys for the applicant.

Ardmore, I. T. June 26, 1906.

-----

INDIAN TERRITORY, )  
southern district.)ss.

I, Wirt Franklin, being first duly sworn on oath state that I forwarded by registered mail on June 26, 1906 to Mansfield, McMurray & Cornish, South McAlester, Indian Territory, a true and perfect copy of the above notice, and I attach hereto postmaster's receipt for same.

Wirt Franklin

subscribed and sworn to before me this 26th day of June,

1906.

F. D. Kelley  
Notary Public.

Memo.---

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, July 12, 1906.

-----

In the matter of the alleged application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

Appearances: S. A. Apple, attorney at law, Ardmore, Indian Territory, appears on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

Attorney for the applicant presents notice registered to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, that on Thursday, July 12, 1906, at nine o'clock A. M., testimony would be introduced before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, tending to establish the right to enrollment of the applicant, Geneva McCoy, as a citizen by intermarriage of the Choctaw Nation.

-----

GENEVA MCCOY, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Geneva McCoy.  
Q How old are you please? A Twenty-nine.  
Q Post office? A Marlow.  
Q Do you claim rights as a citizen by intermarriage of the Choctaw Nation? A I do.  
Q Have you ever appeared before the Commission or the Commissioner to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation? A I made application in 1905.  
Q Please answer my question. I asked you if you ever personally appeared before the Commission or Commissioner to the Five Civilized Tribes? A Not in person.  
Q Did any one appear in person before the Commission or Commissioner in your behalf and make application for your enrollment? A No sir.  
Q Is this the first personal appearance ever made in your behalf? A Yes, this is the first personal appearance.  
Q Have you ever written the Commission or Commissioner to the Five Civilized Tribes relative to your right to enrollment, asking to be enrolled? A Yes sir, in 1905.  
Q When did you write that letter? A 1905; I think it was about April.  
Q What date? A I don't remember what date.

- Q Was this letter written by you? A It wasn't.  
Q Who wrote it? A My husband, Buford T. McCoy.  
Q Do you know what he stated in that letter? A I do not.  
Q Was it read to you? A No sir.  
Q Do you know the contents of it at all? A No sir, just application for myself.  
Q How do you know what was in it then? A I taken his word for it.  
Q Are you a white woman? A Yes sir.  
Q What is the name of your father? A Monroe Woolley.  
Q Is he living? A No sir.  
Q What is the name of your mother? A Caroline Woolley.  
Q Is she living? A Yes sir.  
Q Are both your parents white people and citizens of the United States? A Yes sir.  
Q Through whom do you claim your right to enrollment? A Buford T. McCoy.

Buford T. McCoy, through whom the applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation, appears as number Three upon Choctaw Field Card, R-205.

- Q Where were you married to Buford T. McCoy? A Marlow, Indian Territory.  
Q When did you marry him? A 1901.  
Q What month and day? A September 15th.  
Q Where were you living at that time? A Marlow.  
Q How long had you resided there? A Two years.  
Q Where was Buford McCoy living at that time? A Marlow.  
Q How long had he resided there? A Twelve years.  
Q Who married you? A Allison, Baptist preacher.  
Q Don't remember his given name? A No sir, I don't know.  
Q Have you evidence of marriage with you? A No sir.  
Q Where have you resided since your marriage to McCoy? A At Marlow.  
A Continuously? A Yes sir.  
Q Had you ever been married before? A No sir.  
Q Had he? A No sir.

(Witness excused.)

-----  
BUFORD T. MCCOY, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Buford T. McCoy.  
Q How old are you, Mr. McCoy? A Twenty-nine years old.  
Q Post office? A Marlow.  
Q Are you the husband of Geneva McCoy? A Yes sir.  
Q Do you know whether or not application or any nature whatsoever has ever been made to the Commission or Commissioner to the Five Civilized Tribes for the enrollment of your wife as a citizen by intermarriage of the Choctaw Nation? A Well, all I know of, I wrote a letter asking what about making an application for my wife, asking about making application for her.



- Q You never appeared in person in her behalf? A No sir.  
Q You wrote that letter? A Yes sir.  
Q That is the date of that letter? A Well, it was 1905.  
Q What month? A It was last spring; I don't know whether I can tell you the month; I don't remember just what month it was.  
Q Who did you write that letter to? A Why, I wrote to the Commissioner.  
Q Didn't you write to the Indian Inspector? A I was telling a fellow I wrote a letter, and he said I made a mistake in who I wrote it to!

There is on file with this office a letter received by J. George Wright, United States Indian Inspector of Indian Territory, and referred by him to this office for proper action, wherein he asks to be advised whether his wife, Neva McCoy, can be enrolled as an intermarried citizen of the Choctaw Nation.

- Q When were you married to Geneva McCoy? A September 15, 1901.  
Q Where were you living at that time? A I was living at Marlow.  
Q Where was she living? A At Marlow.  
Q That was your first marriage? A Yes sir.  
Q Have you lived together continuously ever since? A Yes sir.  
Q In the Chickasaw Nation? A Yes sir, Chickasaw Nation.

By Mr. Apple:

- Q You say you wrote this letter to the Indian Agent in April, 1905?  
A 1905.  
Q Did the Commission reply to your letter? A Why, I got a letter from the Commission that it was too late, or something of that kind---I don't remember just the wording---to make application for my wife.  
Q Did you take any other steps then after receiving that letter from the Commission up until the last two or three months? A No sir.  
Q Why didn't you continue to prosecute your wife's rights? A I thought it was too late.  
Q Where did you get the impression it was too late? A That letter.  
Q The letter received from the Commission? A That was all.

(Witness excused.)

-----

Lenora B. Ashton, being sworn, on oath states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the testimony in the above entitled cause on the 12th day of July, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Subscribed and sworn to before me this 30th day of July, 1906.

*Lenora B. Ashton*  
*Walter W. Chappell*  
Notary Public.

MARRIAGE LICENSE.

No. 586.

UNITED STATES OF AMERICA,) )  
INDIAN TERRITORY, ) SS:  
SOUTHERN DISTRICT. )

To any person authorized by law to solemnize marriage, Greeting:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. T.B. McCoy of Marlow, in the Indian Territory, aged 24 years and Miss Neva Wooley of Marlow, in the Indian Territory, aged 23 years, according to law; and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 14th day of September A.D. 1901.

(Signed) C.M. Campbell, Clerk  
of the United States Court.  
By (Signed) J. W. Speake, Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,) )  
INDIAN TERRITORY, ) SS:  
SOUTHERN DISTRICT. )

I, Geo. B. Allison, do hereby certify that on the 15 day of Sept. A. D., 1901, I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 15 day of Sept., A.D. 1901.  
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book C, Page 18.

(Signed) G.B. Allison, M.G.

Endorsed as follows:

CERTIFICATE OF RECORD OF MARRIAGE.

United States of America,) )  
Indian Territory, ) Sct.  
Southern District. )

I, C. M. Campbell, Clerk of the United States Court, in the Territory and District aforesaid, do hereby certify that the license for and certificate of marriage of Mr. T.B. McCoy and Neva Wooley were filed in my office in said Territory and District the 3 day of Oct. A.D. 1901 and duly recorded in Book F. of Marriage Record, Page 1.

Witness my hand and seal of said Court at Ardmore, this 14 day of Feb. A.D. 1902.

(Signed) C. M. Campbell, Clerk

(SEAL)  
Olive Bradley, on oath states that she made the above and foregoing copy and that the same is a true and complete copy of the marriage license and certificate between T.B. McCoy and Neva Wooley as filed with the records of this office.

Subscribed and sworn to before me this 28<sup>th</sup> day of Jan. 1902.

*John E. Tidwell*  
Notary Public.

m  
Memo. 243.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the alleged application for the enrollment  
of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

-----oooOooo-----

It appears from the record herein that on July 12, 1906, Geneva McCoy appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the records in the possession of this office that any formal application has ever been made for the enrollment of said applicant as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. It appears, however, that on April 19, 1905, there was received by the Commission to the Five Civilized Tribes a letter bearing date of April 13, 1905, from Buford T. McCoy, husband of the applicant, wherein he requested to be advised whether or not the applicant could be enrolled as a citizen by intermarriage of the Choctaw Nation.

I am of the opinion that the letter above referred to constitutes a sufficient application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should be determined upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

OCT 19 1906

7-R-205.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that application was  
duly made for the enrollment of Geneva McCoy as a citizen by inter-  
marriage of the Choctaw Nation within the time limited by the  
provisions of the Act of Congress approved April 26, 1906 (34  
Stats., 137).

It further appears from the record herein that on  
September 15, 1901, the applicant was lawfully married to Buford  
T. McCoy, whose application for enrollment as a citizen by blood  
of the Choctaw Nation was granted by the Commissioner to the Five  
Civilized Tribes January 10, 1907 and on said date forwarded to  
the Department; that at the time of said marriage both persons  
above mentioned were residents in good faith of the Chickasaw  
Nation and that they lived together continuously as husband and  
wife in said nation from the date of said marriage up to and in-  
cluding September 25, 1902.

I am, therefore, of the opinion that Geneva McCoy  
should be enrolled as a citizen by intermarriage of the Choctaw  
Nation under the provisions of the Acts of Congress approved June  
28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and  
it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

JAN 30 1907

7-R-205

COPY

Muskogee, Indian Territory, January 30, 1907.

Geneva McCoy,

Marlow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 30, 1907, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Geneva McCoy will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. 7-R-205  
Registered.

7-R-205

COPY

Muskogee, Indian Territory, January 30, 1907.

S. A. Apple,  
Attorney at law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 30, 1907, rendered his decision granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Geneva McCoy will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tamé Bixby*

Commissioner.

Registered.

Incl. 7-R-205

7-R-205

COPY

Muskogee, Indian Territory, January 30, 1907.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nation,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 30, 1907, granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Geneva McCoy will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.

Incl. 7-R-205



7-R-205

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N

It appears from the record herein that on January 30, 1907, the Commissioner to the Five Civilized Tribes rendered a decision enrolling Geneva McCoy as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Buford T. McCoy whose application for enrollment as a citizen by blood of the Choctaw Nation was granted by the Commissioner to the Five Civilized Tribes on January 10, 1907.

In view of the opinion of the Attorney General for the United States dated February 19, 1907, in the matter of certain citizenship cases referred to him for consideration by the Secretary of the Interior, the applicant, Geneva McCoy, is not entitled to enrollment as a citizen by intermarriage of the Choctaw Nation.

I am, therefore, of the opinion that the action of the Commissioner of January 30, 1907, should be rescinded, and it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

7-R/205

COPY

Muskogee, Indian Territory, February 27, 1907.

Geneva McCoy,

Marlow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, rescinding the action of January 30, 1907, granting application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. the final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Incl. 7-R-205.

Registered.

7-R9205

COPY

Muskogee, Indian Territory, February 27, 1908.

S. A. Apple,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, rescinding the action of January 30, 1907, granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Incl. 7-B-205.

7-R-208

COPY

Muskogee, Indian Territory, February 27, 1907.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, rescinding the action of January 30, 1907, granting the application for the enrollment of Geneva McGay as a citizen by inter-marriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James D. Dyer*

Commissioner.

Incl. 7-R-208

COF

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior:

Sir:-

I have the honor to transmit herewith record of proceedings in the matter of the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation, including my decision of February 27, 1907, rescinding my former decision of January 30, 1907, granting the application for the enrollment of said applicant as a citizen by intermarriage of the Choctaw Nation, in accordance with the opinion of the Attorney General of the United States of February 19, 1907, in the matter of certain citizenship cases referred to him for consideration by the Secretary of the Interior.

Respectfully,

SIGNED *Jane Bixby*

Commissioner.

2 Incl.

Through the  
Commissioner of Indian Affairs.



# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY



Land  
21773-1907

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 27, 1907, relative to the application for the enrollment of Geneva McCoy, as a citizen by inter-marriage of the Choctaw Nation, including the decision of the Commissioner, of February 27, 1907, rescinding his former decision of January 30, 1907, and granting the application for the enrollment of the applicant as a citizen by inter-marriage of the Choctaw Nation, in accordance with the opinion of the Attorney General of the United States, of February 19, 1907, in the matter of certain citizenship cases referred to him for consideration by the Department.

The Office has examined the record in this case and the decision of the Commissioner is recommended for approval.

No schedule accompanies this record.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-IM

D.C.13359  
I.T.D.7858-1907  
L.R.S.  
DIRECT.

C.R.W.  
S.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record in the matter of the application for the enrolment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation, including your decision of February 27, 1907, rescinding your former decision of January 30, 1907. You recommend that the application be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs and said application is denied.

The papers in the case, together with a copy hereof, have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,  
Secretary.

1 inc. and  
2 to Ind. Of.

McM 3-4-07.

7-R-205

Muskogee, Indian Territory, April 23, 1907.

Geneva McCoy,

Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, rescinding the action of January 30, 1907, granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

13

7-R-205

Muskogee, Indian Territory, April 23, 1907.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, rescinding the action of January 30, 1907, granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-203

Muskogee, Indian Territory, April 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nation

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, rescinding the action of January 30, 1907, granting the application for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-725

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of FRANKLIN M. HORTON, et al, as a citizen of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary E. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William E. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maude McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw nation, and for the enrollment of his wife, Mary E. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Mattie and Rebecca Percival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the current name of said applicant is Narcissa Sadie Percival. Application was made by Charles E. Barker at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Barker, and his minor children, John Barker, Charles E. Myrtle E. and Gertrude Barker, and for the enrollment of Benjamin Oliver Welch, Mauley Laley and Walter Laley, children of the said Sarah Jane Barker, and for the enrollment of Willie Laley, minor daughter of Mauley Laley, as citizen by blood of said nation; that application was made to the Commission by the Five Civilized Tribes by John E. Thompson at Sallisport, Indian Territory, on June 21, 1906, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Needy Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Rattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Laddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Natalie Horton, whose enrollment is also refused."

On January 21, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Rattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1906, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances W. Harten, and her children, John P. Harten, James W. Harten, Rachel S. Harten, Mary W. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horten, while



in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harten, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsala J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 13113-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1906, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1906, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Luddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Alpha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1906, minor child of the applicant, Fannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroke Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. K. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1906, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Weoley, born February 4, 1902, and James B. Weoley, born April 30, 1904, children of Robert L. Weoley and his wife, Gordie Weoley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Darken,  
Benjamin Welch,  
Maudie Welch,  
Walter Welch,  
Johny Darken,  
Martha Ann Thompson, nee Harton,

James William Harton,  
John F. Harton,  
Susie Harton,  
Narcissa Ella Thompson, now Percival,  
Jesse Percival,  
Taylor Percival,  
Forrest Percival,  
Rebecca Percival,  
Katie Percival,  
Nancy S. Thompson, now Vaughn,  
Mattie Vaughn,  
Callie Vaughn, and  
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1860, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William B. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 6, 1902. The applicant, John D. Thompson, was married in the year 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1894, to William E. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. E. O'quinn)	Opposite No., -10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12559
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531.



Charles S. Thompson (as Charles Thompson)	Opposite No., -12532
John M. Thompson (as Jno. M. Thompson)	12533
John Henry Darden (as Jno. Henry Darden)	3626
Charles B. Darden, Jr. (as Charles B. Darden)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Valter Welch	14021
Haultay Leley (as Haultay Lawley)	6348
Hattie Horton	8993
Rachel Hunt (as Rachel S. Horton)	8994
John Horton (as Johnie Horton)	8998
James Horton (as Jimmie Horton)	8996
Mary M. Horton	8997
Harcissa Nila Percival (as Harcissus Percivill)	10554
Jesse Percival (as Jesse Percivill)	10555
Taylor Percival (as Taylor Percivill)	10556
Forrest Percival (as Forrest Percivill)	10557
Katie Percival (as Kate Percivill)	10558
Rebecca Percival (as Rebecca Percivill)	10559
Fannie Vaughan (as Fannie Vaughn)	12631
Hattie Vaughan (as Hattie Vaughn)	12632
Gallie Vaughan (as Gallie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William M. McCoy	9507
Burford T. McCoy	9508
Maudie McCoy	9509
Gordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw nation. The name of Mary G. McCoy also appears on said roll opposite No. 14292, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darden also appears on said roll opposite No. 14438, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darden, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darden, but that he identified upon the said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizenship blood, of Adair County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 68 thereof the names of Sarah J. Darden, age 24, Benjamin Welch, age 17, and Valter Welch, age 14, John Henry Darden, age 8 and Charles B. Darden, age 5, that opposite the name of Sarah J. Darden is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll No. 1. Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1900, returning certain petitions forwarded by the Department in its letter of May 7, 1900 (I. T. D. 5244-1900) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jacksfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12455 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple A. Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third



person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4223-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1898 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1898 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Fannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Woodley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Anna McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Anna Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle R.

Darben and Gertrude M. Darben as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles E. Darben, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

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COPY.

Muskogee, Indian Territory, January 10, 1907.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of yourself and children, Buford T. McCoy, Maude Reville, Cordie Woolley and William McCoy as citizens by blood of the Choctaw Nation, and the application for the enrollment of Mary G. McCoy as a citizen by intermarriage of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Dixie*

Commissioner.

7-R203  
23-979

COPY

Muskogee, Indian Territory, January 10, 1907.

Cordie Woolley,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, John D. Woolley and James B. Woolley as citizens by blood of the Chectaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*James Bixby*

Commissioner.

Registered  
7-R-203  
23-979.

23-977  
7-B-205

COPY

Muskogee, Indian Territory, January 10, 1907.

Buford T. McCoy,  
Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, Amina McCoy and Fay McCoy as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*James H. Smith*  
Commissioner.

Registered.

23-977  
7-B-205.

23-978  
7-R-205

COPY.

Muskogee, Indian Territory, January 10, 1907.

Maud Reville,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner of the Five Civilized Tribes, on January 10, 1907, rendered his decision granting the application for the enrollment of yourself and children, Clara May Reville, and Thomas Pembroke Reville as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Dixby*  
Commissioner.

Registered.  
23-978  
7-R-205.

D.O.M.

GAV

DEPARTMENT OF THE INTERIOR,  
WASHINGTON/

J.W.H.  
J.W.H.  
V.C.P.  
F.W.L.

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

checked by Flood.

Roll No.

14103	Elizabeth Allen.
14112	George A. Engarner.
14110	Levittie Gratchfield.
14104	Harriet Gratchfield



16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louella Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Eliza E. Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15860 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 18, 1909 (File 5-1), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Hungarner, Josephine Laflora Long and Jake Laflora Long.

Please report whether the names of these persons appear on any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Drutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office,

294-1909.

Muskogee, Oklahoma, April 22, 1909.

**Subject:**

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 8-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 7, 1894, under the provisions of the Act of Congress approved June 10, 1894 (29 Stat., 534) in a case entitled Sarah Jane Thompson and Martha



Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johnny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesse Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Hattie Vaughn, Callie Vaughn and Hannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary 3.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Tayler Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Hannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie



Secretary 4,

Odolphus) O'Quinn and Winnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Fannie Vaughan for the enrollment of herself and her minor children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 28, 1908, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel E. Harten, Mary V. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

Secretary S.

family the name was spelled Herton while in the above petition the name is spelled Marten. The subsequent proceedings established that the name is correctly spelled Herton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Maria Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 ( I T D 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 ( I T D 13113-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date ( I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Hattie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 ( I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Warlow,

**Secretary 6.**

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Harton, child of Franklin M. Harton and Martha Ann Harton; Viola Naudie Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Martha Ray Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Fannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembroke Reville, and Clara May Reville, children of J. N. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Weoley and James B. Weoley, children of Robert L. Weoley and his wife, Cordie Weoley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Winnie L. Liddy (as Winnie Liddy), John T. Thompson (as Jas. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles B. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Mamie Leley (as Mamie Lawley), Mattie Horton, Rachel Hunt (as Rachel B. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton), Mary W. Horton, Narcissa Ella Percival (as Narcissus Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Tayler Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary S.

Wandie McCoy, Gerdie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 ( I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Harkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Mammie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 ( I T D 1662-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the



Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Godelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harten, John Harten, Rachel Harten, James Harten, Mary M. Harten, Nancy Ella Harten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Fannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan

Secretary 10.

William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John B. Thompson, Sarah Jane Darken, Myrtle M. Darken and Gertrude M. Darken as citizens by blood and Franklin E. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Marcissa S. Thompson and Marcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.



Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin M. Harten, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by E. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw R 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of these persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin W. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 26, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin W. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080, 2716, 3000, 6718-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,  
Choctaws by marriage Numbers 1623 to 1625, inclusive,  
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AB

Land  
51948-1909  
J E B

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

Jun 7 1909

Enrollment case of  
Franklin M. Harton  
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Gelsky (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hanks

Chief Clerk.

NCMcC-4

1570

Land  
SE748-1909  
J I B

Jun 1 1909

Enrollment case of Franklin  
M. Harten et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File S-21) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harten, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harten et al is not analogous to that of John M. Gelsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

E. G. Valentine

Acting Commissioner.

MEMO-37

June 2, 1909.

APPROVED

Frank Pierce  
First Assistant Secretary.

Choctaw 8064

Muskogee, Oklahoma, June 16, 1909.

Mr. William H. McCoy,  
Marlow, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Choctaw 6064  
Choctaw Minor  
977.

Muskegee, Oklahoma, June 16, 1909.

Mr. Buford T. McCoy ,  
Marlow, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton, with which your case was consolidated, is not analogous to that of John E. Goldsby (251 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB



Chectaw 6064  
Chectaw Minor  
978.

Muskogee, Oklahoma, June 16, 1909.

Mrs. Maud Reville,  
Marlow, Oklahoma,  
Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Chectaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John M. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Choctaw 6064  
Choctaw Minor  
979.

Muskogee, Oklahoma, June 16, 1909.

Mrs. Cordie Woolley,  
Marlow, Oklahoma,  
Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Mustogee, Indian Territory, June 2, 1900.

Mr. W. H. McCoy,

Marlow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 30th, in which you state that you appeared before the Commission at South McAlester as an applicant for enrollment in the Choctaw Nation, and request to know whether or not it will be necessary for you to again appear under the last ruling, and if so, shall you have your witnesses there in person or not.

You are informed that the records of this Commission show that you appeared before the Commission at South Canadian as an applicant for enrollment last fall, and in your testimony given by you at that time you stated that you were not placed upon the Choctaw roll until the 9th day of June, 1897, and that you did not make application to the Dawes Commission under the act of June 10th, 1896, and that you and your family were never adopted by the Choctaw Council or admitted by the constituted authorities of the Choctaw tribe, and were never enrolled until 1897. Your enrollment and that of the members of your family was not lawful and both you and your family's enrollment was at that time refused. The evidence before the Commission is sufficient upon which to base a decision, but if you desire to again appear and present any additional evidence in your behalf, the

W.R.HCG. 2.

Commission will hear you. It will not be necessary for you to appear in person if you desire to further prosecute your claim, but the Commission will accept for filing any written affidavits or testimony which you may desire to submit.

Yours truly,

Acting chairman.

In reply to this letter,  
please refer to 7-2 206

Muskogee, Indian Territory, February 18, 1903.

In the matter of the application of William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy, as citizens by blood, and for his wife Mary G. McCoy as a citizen by intermarriage of the Choctaw Nation.

To William H. McCoy,

Marlow, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that your wife, yourself and your children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

W. H. Mc., 2.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that your wife, yourself and your children are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.



Choctaw R. 205

Wadogah, Indian Territory, March 28, 1902.

George T. Putty,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant enclosing the affidavit of W. H. McCoy, Calvin Jones, Patsy Poff and H. D. Thompson and the petition of William H. McCoy directed to the Choctaw Council at its regular session of October, 1896, praying for the admission to citizenship of himself, his wife and his minor children, signed by you for filing in the matter of the application of William H. McCoy for the enrollment of himself, his wife and minor children as citizens of the Choctaw Nation. The same have this day been filed with the other papers in the matter of the application of the said William H. McCoy, et al. for enrollment as citizens of the Choctaw Nation.

You invite the attention of the Commission to the fact that on June 19, 1900, you filed with the Commission at Colbert, Indian Territory, certain other papers in support of the application of William H. McCoy for the enrollment of himself and family as citizens of the Choctaw Nation and you are advised that it appears



ATF 2

from our records that on June 15, 1900, the Commission accepted and filed in this case the affidavits of Levine King, R. G. Colbert, Emory Williams and Henry M. Perkins together with the certificate of David A. Homer and the certificate of A. R. Durant of January 6, 1897, as to the enrollment of W. H. McGoy and his family as citizens of the Choctaw Nation.

It is presumed that the papers submitted in your letter of the 16th instant are in reply to our communication of February 18, 1902, to William H. McGoy at Marlow, Indian Territory, notifying him that he would be allowed thirty days from that date within which to submit to this Commission affidavits showing that he and his children are entitled to identification as Mississippi Choctaws under the act of Congress of June 28, 1900.

It does not appear from the evidence already on file in this case that these persons are in any manner entitled to enrollment as citizens of the Choctaw Nation. It does not appear that these persons have ever been lawfully admitted to citizenship in the Choctaw Nation by either the tribal authorities thereof, the Commission to the Five Civilized Tribes or any branch of the United States Court in Indian Territory and their admission to the so-called Advisory Board of the Choctaw Nation, of January 6, 1897, was without authority of law and their names as appearing upon the 1900 census roll of the Choctaw Nation as submitted to this Commission.

G T P 3

sion have been stricken therefrom as not lawfully entitled to enrollment and having been placed thereon without authority of law.

The act of Congress of June 10, 1896, provides relative to the authority of the Choctaw Nation to receive and act upon applications of persons for citizenship in that nation, as follows:

"That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

The act of June 10, 1896, terminated in the tribal authorities all jurisdiction over citizenship questions and the action of the so-called revisory board of 1897 is null and void and the Commission cannot take cognizance of their acts.

Our notice of February 18, 1902, was to give the parties in interest herein an opportunity to submit affidavits setting forth that they claim right to identification as Mississippi Choctaws, as the descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

If these persons are entitled to any such rights it will be necessary for them to present themselves in person before the

G T P 2

Commission for the purpose of examination under oath so that a sufficient record may be made upon which their rights can be determined. Such application should be made within thirty days from the date hereof at the office of the Commission at Muskogee, Indian Territory. Each of the children of William H. McCoy as have attained their majority or who have married, will be required to make their applications in person but the application of William H. McCoy for his minor unmarried children will be considered by the Commission upon his personal appearance.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 8, 1902.

W. H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you desire to be informed if it is necessary for you to appear before the Commission in accordance with our notice of February 13, 1902, wherein you were advised that you would be allowed thirty days from that date to submit an affidavit, corroborated by two witnesses, showing that you and your minor children were entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898.

On March 25, 1902, the Commission received a letter from George T. Putty, Attorney at Law, Marlow, Indian Territory, enclosing the affidavits of W. H. McCoy, Calvin Jones, Patsy Roff and H. D. Thompson and the petition of William H. McCoy directed to the Choctaw Council. These papers were duly filed and Mr. Putty was informed that if such papers were in reply to our communication of February 13, 1902, and it was your intention to make application for identification as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, it would be necessary for you to appear in person before the Commission for the purpose of



W H McC 2

examination under oath and he was also informed that such application should be made within thirty days from that date at the office of the Commission at Muskogee, Indian Territory.

If you desire to make application for identification as a Mississippi Choctaw, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory, at which time you will be permitted to make application for your minor, unmarried children. If you have any children who have attained their majority or who have married, they will have to make application in person.

Yours truly,

Commissioner in Charge.

Choctaw R-308

Muskogee, Indian Territory, January 31, 1903.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cernish, has protested against the enrollment of yourself, your wife, Mary H. McCoy, and your four children, Buford F., Maud, Cordie and Willie McCoy, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw Census roll by the so-called "Revisory Board" of said Nation after its power to enroll citizens had ceased and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw Census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Muskogee, Indian Territory, October 6, 1903.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Your letter of September 7, 1903, addressed to the Secretary of the Interior has been by him referred to this Commission of consideration and appropriate action.

You refer therein to your application for enrollment as a citizen by blood of the Choctaw Nation and allege that you have been refused a hearing before this Commission.

In reply to your letter you are informed that it appears from our records that you are an applicant to this Commission for the enrollment of yourself and family as citizens of the Choctaw Nation; that you appeared before the Commission both at South Canadian, Indian Territory, in September 1899, and at Muskogee, Indian Territory, February 10, 1903, and have given testimony in your case.

It further appears from our records that ~~such~~ documentary evidence has been submitted to the Commission and filed with the record in the matter of your application.

If you now desire to introduce any additional evidence



W H McC 2

the Commission will hear the testimony of such witnesses as may be presented at its office at Muskogee, Indian Territory, or receive such documentary evidence as may be offered in support of your claim, within thirty days from this date.

Respectfully,

Chairman.

Chootaw R 205

Muskogee, Indian Territory, February 10, 1904.

William H. McCoy,  
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chootaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself, your wife Mary G. McCoy and your children, Buford T., Maud, Gordie and William McCoy as citizens of the Chootaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-R-205.

Muskogee, Indian Territory, June 15, 1904.

W. H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 2nd, in which you state that in the month of February you received notice that on the protest of the attorneys for the Choctaw and Chickasaw Nations no further action would be taken in your case, until action thereon by the Department. You now ask the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply to your letter, you are informed that on June 7, 1904 the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the application for the enrollment of yourself, your wife and your four children as citizens of the Choctaw Nation and the Commission will, as early as practicable, take up the same for consideration and determination; as soon as a decision is reached in your case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw R. 205 .

Muskogee, Indian Territory, April 18, 1905.

W. H. McCoy,

Marlow, Indian Territory,

Dear Sir:

Your letter of March 27, 1905, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. Therein you state that you and your family are on the 1896 roll and ask if there has been any decision as to whether the Review Board was a legal board to enroll citizens.

In reply to your letter you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your wife, Mary G. McCoy, and your children, Buford T., Maud, Cordie and William McCoy, as citizens of the Choctaw Nation, but when a decision is reached in this case you will be notified of the action taken.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, May 16, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that testimony will be taken in the matter of the application of William H. McCoy et al., for the enrollment of himself and his family as citizens of the Choctaw Nation at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., in connection with the hearing in the matter of the application of John T. Thompson et al., for enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Beach*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, May 16, 1906.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application of John T. Thompson et al., for enrollment as citizens of the Choctaw Nation at which time and place you may appear with witnesses for the purpose of introducing such testimony as you desire to present in support of the application for the enrollment of yourself and your family as citizens of the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

7-E-205

Muskogee, Indian Territory, July 18, 1906.

W. H. McCoy,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the marriage license and certificate of W. H. McCoy and Miss Mary G. McLaurine, and the same have been filed with the record in the matter of the enrollment of your minor children.

Respectfully,

Commissioner.



7-R-205

Muskogee, Indian Territory, July 25, 1906.

William H. McCoy,  
Marlow, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 18, 1906, asking that your citizenship case be passed upon as early as practicable.

In reply you are advised that the application for your enrollment as a citizen of the Choctaw Nation will receive consideration, and a decision will be rendered therein as early as practicable. You will be notified of such action as is taken therein.

Respectfully,

Commissioner.

Mem 243

Muskogee, Indian Territory, September 26, 1906.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1906, asking the status of the application of Geneva McCoy for enrollment as an intermarried citizen of the Choctaw Nation and also copy of the testimony in this case.

In reply to your letter you are advised that no action has yet been taken on the question of whether or not application was made for the enrollment of Geneva McCoy as an intermarried citizen of the Choctaw Nation within the time provided by law.

In compliance with your request there is inclosed herewith copy of the testimony of Geneva McCoy and Duford T. McCoy of July 12, 1906 in the matter of the alleged application for the enrollment of Geneva McCoy as an intermarried citizen of the Choctaw Nation, together with receipt therefor which please sign and return to this office.

Respectfully,

Mem 243.

Commissioner.

7-R-205

Muskogee, Indian Territory, October 25, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that the name of Geneva McCoy has been placed at No. 7 on Choctaw R card No. 205, William H. McCoy et al. under an order of the Commissioner to the Five Civilized Tribes of October 19, 1906, holding that application was made for her enrollment within the time provided by law.

You are therefore directed to place the name of this person upon your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

7-R-205

Muskogee, Indian Territory, October 25, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the name of Geneva McCoy has been placed at No. 7 on Choctaw R card No. 205, William H. McCoy et al. under an order of the Commissioner to the Five Civilized Tribes of October 19, 1906, holding that application was made for her enrollment within the time provided by law.

You are therefore directed to place the name of this person upon your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, December 4, 1906.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 15, 1906, asking for an early decision in your case.

In reply to your letter you are advised that the application for the enrollment of yourself and family as citizens of the Choctaw Nation is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7R205

Muskogee, Indian Territory, December 27, 1906.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 20, stating that you are in receipt of a letter from the Department, under date of November 17, 1906, advising you--

"that the Department has this day requested the Commissioner to the Five Civilized Tribes to make an immediate report as to the present status of the case of John T. Thompson, et al. and to inform the Department when the record therein will be transmitted to the Department for action thereon."

You, therefore, ask if any action has yet been taken in this case in accordance with the request of the Secretary of the Interior.

In reply you are advised that this case is now receiving consideration and as soon as a decision is reached, you will be advised of the action taken.

Respectfully,

Acting Commissioner.

7-R-205

Muskogee, Indian Territory, January 7, 1907.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 19, 1906, asking if a decision has been rendered on the question of application in the Choctaw enrollment case of Geneva McCoy that the same be consolidated with the Choctaw enrollment case of William McCoy et al.

In reply to your letter you are advised that an order was entered October 19, 1906, holding that application was made for the enrollment of Geneva McCoy as a citizen by intermarriage of the Choctaw Nation within the time provided by the Act of Congress approved April 26, 1906, and the case will receive consideration on its merits as early as practicable.

Respectfully,

Commissioner.



LRS

J.P.  
FNL

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

DC-13370-1907  
I.T.D. 6918-1907.  
2080-2716-3000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your  
letter of February 28, 1907, the schedule of

Chestaws by blood, Nos. 16066 to 16101 inclusive;  
Chestaws by marriage, Nos. 1623 to 1625 inclusive; and  
Minor Chestaws (April 28, 1906), Nos. 844 to 856, in-  
clusive,

have been disapproved, and also in view of the opinion of the  
Attorney-General of February 19, 1907. These schedules were  
received with Indian Office letters of January 31, 1907 (Land  
7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907  
(Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

15 inc. for Ind. Of. with  
copy herof.

7-6064

Muskogee, Indian Territory, April 12, 1907.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Your letter of March 25, 1907, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask the status of your application for enrollment.

In reply to your letter you are advised that on March 4, 1907, the decision of the Commissioner to the Five Civilized Tribes of January 10, 1907, was rendered granting the application for the enrollment of yourself, your wife Mary G. McCoy, and your children Buford T. McCoy, Maud Reville, Cordie W. McCoy and William McCoy as citizens by blood and intermarriage of the Choctaw Nation.

March 2, 1907, the Secretary of the Interior reversed the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of yourself, your wife and your children and on March 4, 1907, the schedule of citizens

W. H. McO. #2

by blood and intermarriage of the Choctaw Nation upon which your names appear was disapproved by the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Choc 6065

Emmette C. McBride

Trans from Choc D#634

1-28-07

6065

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment as a  
citizen by intermarriage of the Choctaw Nation of . . . . .

EMILY C. McBRIDE.....7-D-654.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE; I. T. JUNE 17, 1901.

In the matter of the application of Emmette C. McBride for enrollment as an intermarried citizen of the Choctaw Nation. Emmette C. McBride, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Emmette C. McBride.  
Q What is your age? A Born in 1864.  
Q What is your post office address? A I am up at the INstitute for the next month coming now.  
Q But what would be your post office address usually?  
A Atoka, Indian Territory.  
Q How long have you resided in the Choctaw Nation? A I have been teaching there for the past two years.  
Q Have you maintained a continuous residence in the Choctaw Nation for the past two years? A I have been teaching regularly.  
Q Where did you live before that time? A I taught school in the Creek Nation and some in the Cherokee Nation. My people live at Ft. Gibson.  
Q What is your father's name? A W. D. McBride.  
Q Is he living? A Yes sir.  
Q What is your mother's Name? A M. M. McBride.  
Q She living? A Yes sir.  
Q Are they both white people? A Yes sir.  
Q Have you ever made any claim to Indian citizenship by blood?  
A No sir.  
Q Have you ever prior to this time made any application to the authorities of the United States, or the tribal authorities for enrollment as a citizen of the Choctaw Nation. A No sir.  
Q You now make application to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.  
Q Through whom do you claim this right to intermarried citizenship in the Choctaw Nation? A The lady I married, Miss Winnie Jackson.  
Q How old is she? A She is going on 25, I guess.  
Q What is her father's name? A Willis Jackson.  
Q What is her mother's name? A I think it is Mary.

The records of the Commission examined and the name of Winnie Jackson, 21 years of age, the daughter of Willis and Mary Jackson, appears upon Choctaw roll card, field No. 4298. The name of Winnie Jackson also appears on the 1896 Choctaw Census Record, page 180, No. 7298.

- Q When were you married to Winnie Jackson? A I was married last Monday, the 10th day of June, 1901.  
Q Who married you? A Rev. N. B. Brashears.  
Q A Minister of the Gospel? A Yes sir.  
Q Where were you married? A 8 miles west of Wilburton.  
Q Were you married under a Choctaw marriage license?  
A Yes sir.  
Q Have you your marriage license and certificate with you?  
A Yes sir.  
Q Do you desire to offer the same in evidence? A Yes sir.



R. C. McB.--2.

There is offered in evidence, filed and made a part of the evidence in this case, the marriage license, issued by George Nelson, Clerk of Gaines County, Choctaw Nation, to Emmette C. McBride to marry Miss Winnie Jackson; also a certificate of marriage that the ceremony was performed on the tenth day of June, 1901, signed by N. B. Brashears, Minister of the Gospel. The marriage license was filed in the office of the Clerk of Gaines County, June 10, 1901, and the certificate filed June 15, 1901.

- Q How much did you pay for the license? A I paid the county clerk \$100 for the license and \$1.50 for the work, \$101.50.  
Q Is this the only marriage ceremony that was ever performed between yourself and your wife? A Yes sir.  
Q Have you ever been married prior to your marriage to her? A Yes sir.  
Q To whom? A A white lady over here on Deep Fork.  
Q Give us her name? A Viola Gordan.  
Q Was she a citizen of the Indian Territory? A No sir, a white lady.  
Q A white woman? A Yes sir.  
Q Is she living or dead? A I do not know whether she is living or dead.  
Q Are you and she divorced? A Yes sir.  
Q Have you got documentary evidence of the divorce? A Yes sir.  
Q Do you wish to offer it in evidence? A Yes sir, I guess so.

There is offered in evidence, filed and made a part of the records in this case, a certified copy of the decree of divorce between Emmette C. McBride and Viola C. McBride, issued by the Circuit Court of Vernon County, Missouri, dated June 7, 1901.

- Q Has your wife ever been married before? A No sir--Miss Jackson?  
Q Your present wife? A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation, will be mailed to you at your present post office address.

-----o0-----

Kate DeBord, having been first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Kate DeBord*

Subscribed and affirmed to before me this 19th day of June, 1901.

*Goodson*  
Notary Public.



Vernon Circuit Court.

Emmette C. McBride  
vs.  
Viola O. McBride

FILED

the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes \_\_\_\_\_ M.

Circuit Clerk.

TRANSCRIPT OF JUDGMENT.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVIL TRIBES.  
FILED  
JUN 27 1901

TRANSCRIPT OF JUDGMENT.

Vernon

COUNTY CIRCUIT COURT.

Pleas and Proceedings in the Circuit Court of Vernon County, Missouri.

BE IT REMEMBERED, That at the regular <sup>May</sup> Term of said Circuit Court, and on the <sup>26th</sup> day of <sup>June</sup> 1901, present the Hon. <sup>H. C. Timmons</sup> Judge of the <sup>Circuit</sup> Judicial District, the following among other proceedings were had and entered of record to wit:

Emmett L. McBride

VS.

Viola O. McBride

Plf.

Def.

Decree of Divorce by Default. Care and Custody of child Rowena Clarissa McBride awarded to Plff.

Now on this day comes the plaintiff with his attorney and counsel and the defendant although duly notified by publication of the nature and pendency of this action comes not but makes default and this cause coming on for hearing, is submitted to the court, and by the court seen, heard and understood, the court doth find the allegations in the plaintiff's petition to be true and that the plaintiff is the innocent and injured party and entitled to the relief prayed for in his petition. It is therefore ordered and adjudged by the court that the bonds of matrimony contracted and existing between plaintiff and defendant be dissolved, annulled and for naught held and esteemed and that the plaintiff be forever divorced from defendant. It is further ordered and decreed by the court that plaintiff have the care and custody of his child Rowena Clarissa McBride.

STATE OF MISSOURI,  
County of Vernon } ss.

I, gm Brady  
Clerk of the Circuit Court within and for the said County, do hereby certify that the foregoing is a true full and  
Deed of Conveyance  
complete Transcript of the ~~judgment~~ in the foregoing cause, as fully as the same appears of record in my office.

WITNESS my hand and the seal of said Circuit Court at office in  
Meriden Mo. this 7th day of

June 1901  
gm Brady  
Circuit Clerk.  
By Ed Patterson Deputy.

# LICENSE OF

*Emmett C. McBride*

I do solemnly swear that I will honor, defend, and submit to the constitution and laws of the Choctaw Nation, and will neither claim nor seek from the United States Government or from the Judicial tribunals thereof any protection, privilege or redress incompatible with the same as guaranteed to the Choctaw Nation by the treaty stipulations entered into between them, to help me God.

*Emmett C. McBride*

Sworn to and subscribed before me on the 10<sup>th</sup> day of June, 1901

*Geo. Wilson*

Clerk of Gaines County C. N.

Filed in the Clerks

Office

*June 10<sup>th</sup> 1901*

*Geo. Wilson*

Clerk of Gaines County C. N.

RECEIVED  
COMMISSIONER OF THE LAND OFFICE  
FILED  
JUN 22 1901

PAGE 13

# Choctaw Nation,

Indian Territory.

## Marriage License.

Know All Men to Whom These Presents Shall Come, GREETING:

KNOW YE THAT I Geo. Nelson Clerk of Gaines

County Choctaw Nation, by virtue of authority in me vested by the constitution and laws of said nation do hereby grant unto Emmette C. M. Bride

a citizen of the United States a license to marry Miss Winnie Jackson

a citizen of the Choctaw Nation by blood, into the Holy Bonds of Matrimony, and any Minister of the Gospel or Judge of the Court in the Choctaw Nation is hereby authorized to consummate the same in wedlock.

Given under my hand and seal on this 10<sup>th</sup> day of June 1904



Geo. Nelson

CHIEF OF BUREAU OF INDIAN AFFAIRS

FILED IN THE CLERKS

OFFICE

*June 13<sup>th</sup> 1901*

PAGE *14*

*Geo. Nelson*

Clerk of Gaines County, C. N.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 27 1901

*Wm. H. ...*

ACTING CHAIRMAN.

# Certificate of Marriage.

This is to Certify that

Mr. Emmette C. McBride And Miss Minnie Jackson  
of Aloha, I. I. of Aloha, I. I.

have been by me joined together in the

Holy Bonds of Matrimony.

this 10<sup>th</sup> day of June 1901

N. B. Brashers

Witness Fred. Brashers Minister of the Gospel



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, Indian Territory, November 18, 1902.

Choctaw D 634.  
Intermarried.

In the matter of the application of Emmette C. McBride for enrollment as an intermarried citizen of the Choctaw Nation.

Emmette C. McBride, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Emmette C. McBride.  
Q How old are you? A Thirty eight.  
Q What is your post office address? A Calloway, Indian Territory.  
Q What nation is that in? A Choctaw Nation.  
Q How long have you resided in the Choctaw Nation? A Seven or eight years.  
Q Have you lived here continuously for that length of time? A I have been here most of the time.  
Q Have you made your home anywhere else during that time.  
Q I have been teaching school part of the time, outside of the territory, and I have been teaching here.  
Q Have you made your home outside of the territory within the past seven years? A I have been in Missouri a good deal of the time. When I had a school I would go up there and stay during the summer.  
Q Which did you consider your home? A I considered this my home when I was here.  
Q What was your legal residence? A I have been teaching at various places throughout the Choctaw, Cherokee and Creek Nations.  
Q You didn't have any home at all? A My parents live at Fort Gibson.  
Q Where have you been living for the past four years? A I have been here in the Choctaw Nation for three years.  
Q Where did you live before that? A I taught school in the Creek Nation.  
Q How many years were you teaching school up there? A Three or four.  
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.  
Q What is the name of your Choctaw wife through whom you claim these rights? A Winnie Jackson.  
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A That is my understanding.  
Q Have her rights ever been disputed? A Not that I knew anything about.  
Q When were you married to Winnie Jackson? A 10th of June, 1901.  
Q Where was this marriage ceremony performed? A Close to Wilburton.  
Q In the Choctaw Nation? A Yes sir.  
Q You were a resident of the Choctaw Nation at that time? A Yes sir.  
Q Was your wife a resident of the Choctaw Nation also? A Yes sir she has never been out of the Choctaw Nation since she came that I know of.  
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.  
Q From whom did you obtain your license? A From the county clerk at Wilburton.

Emmette C. McBride-----2.

Q How much did you pay for the license? A One hundred dollars, and one dollar and a half extra for something else.

Q Who performed the marriage ceremony? A I have forgotten the man's name.

Q Was he a minister? A Yes sir, Baptist minister.

Q Were you ever married before your marriage to Winnie Jackson?

A Yes sir.

Q How many times? A Twice before.

Q What was the name of your first wife? A She was a Miss Hall.

Q When were you married to her? A It was in 1890 somewhere along about there.

Q How long did you live with her? A Two weeks.

Q Did she die or were you separated? A We quit.

Q Were you divorced? A Yes sir, she got a divorce.

Q Where did she obtain this divorce? A Omaha, Nebraska.

Q What was her name? A Laura Hall.

Q What was the name of your second wife? A Viola Gordon.

Q How long did you live with her? A Going on three years.

Q Did you separate from her? A Yes sir, she left me.

Q Did you procure a divorce? A Yes sir.

Q Where was this divorce granted? A In Missouri.

Q When was that? A Nearly two years ago.

Q How long before your marriage to this third wife? A It was not very long; a short time.

Q Was your present wife Winnie ever married before your marriage to her? A Not that I know of.

Q Since this marriage have you lived together continuously as husband and wife? A Yes sir.

Q There has been no separation, abandonment or divorce? A No sir.

Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

Q Do you intend to make this your permanent home? A Yes sir.

Q You obtained the divorce from your second wife yourself? A Yes sir.

Q Where did you obtain that divorce? A In Missouri.

Q Were you not living in Missouri at that time? A I was there in the summer and kept my little girl in school. And I would go there and spend the summer.

Q You just came down here and taught school in the winter and immediately returned to Missouri? A Yes.

Q Didn't you consider Missouri at that time your home? A Not any more than this.

Q You obtained your divorce through the Missouri Courts? A I told them I was teaching there and keeping my girl in school there.

Q How long was that before your marriage to this other woman? A It was not but a short time.

Q Very few days? A Yes sir.

Q And you immediately after that divorce came down here to the territory and married this other woman. *A Yes sir*

-----600-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 18th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Harry C Risteen*  
Subscribed and sworn to before me this 5 day of January, 1903.

*Charles H. Sawyer*

Notary Public.

7-D-634.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER., MARCH 21, 1905.

In the matter of the application for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

Ezra Brainerd appears as attorney for applicant.

Emmette C. McBride being first duly sworn testifies as follows:

EXAMINATION BY MR. BRAINERD:

- Q You have made application Mr. McBride for enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
- Q Claiming through Minnie Jackson? A Winnie Jackson.
- Q Prior to your marriage to Winnie Jackson had you been married before? A Yes, sir.
- Q If so how many times? A Twice.
- Q What was the name of your first wife? A Laura Hall.
- Q When and where were you married to her? A Crawford County, Kansas.
- Q What year? A That was in 1889.
- Q Do you remember the month and day? A July, I don't remember the day.
- Q July 1889. How long did you live with Laura Hall as your wife? A Two weeks.
- Q At the expiration of two weeks did she abandon or desert you? A Yes, sir.
- Q After your desertion by your wife Laura Hall did you come to the Indian Territory? A Yes, sir.
- Q What point in the Indian Territory? A Well I was at Fort Gibson and in the Creek Nation awhile.
- Q Were you continuously in Indian Territory? A All the time.
- Q Who did you marry for your second wife? A Girl in the Creek Nation.
- Q Who did you marry? A Viola Gordon.
- Q Whereabouts in the Creek Nation were you married? A Down close to Okmulgee.
- Q What was the date of your marriage to Viola Gordon? A Married her in 1895.
- Q Do you remember the month? Was it November? A I think it was November.
- Q Did you get a marriage certificate for that marriage? A Yes, sir.
- Q Where did you get ~~it~~ the license? A Here.
- Q United States Court in Muskogee? A Yes, sir.
- Q How long did you live with Viola Gordon? A I lived with her over two years.
- Q Did you obtain a divorce from her? A Yes, sir.
- Q That was in 1901? A I got a divorce from her.
- Q Yes, sir? A I think it was, yes, sir.

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Q Prior to your second marriage you had obtained no divorce decree from your first wife had you? A No, sir.

Q Since her abandonment had you heard anything of her? A Nothing.

Q A term of about six years, between 1889 and 1895? A Yes, sir.

Q And you had heard nothing about her? A No, sir.

Q Did you know where she was? A No, sir.

Q Did you know whether she was living or not? A Didn't know anything about her.

Q You didn't know in what state she was living? A Didn't know anything about her at all.

Q After you were divorced from Viola Gordon in 1901 you were married again were you not? A Yes, sir.

Q To whom were you married and on what date? A I married Winnie Jackson.

Q What date? A I think about 10th of June.

Q That was after you obtained your divorce decree from Viola Gordon? A Yes, sir.

Q Were you married in Indian Territory? A Yes, sir.

Q Whereabouts? A Down here east of McAlester at Wilburton.

Q Did you obtain a license from the court? A Yes, sir.

Q You were married in the Choctaw Nation? A Yes, sir.

Q According to the Choctaw law as you supposed? A Yes, sir.

Q This Winnie Jackson is the party you claim citizenship through in the Choctaw Nation? A Yes, sir.

Q In order to straighten that record out, when did you first get track of your first wife ~~after~~ as to her whereabouts? A Why I commenced trying to find her after the Commission was down at Atoka; I think they came to Atoka about two years ago, wasn't it? A Maybe year and a half ago.

Q Did you find her? A I located her about six months ago.

Q Was that the first you heard of her from the time she deserted you in Girard County Kansas? A Yes, sir.

¶

By attorney: I want to call the Commission's attention to Section 4597 of Chapter 103 of Mansfield's Digest, put in force in Indian Territory by the Act of Congress of May 2, 1890, United ~~Statutes~~ States Statutes at Large 81 Chapter 182 entitled: An act ~~a~~ to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in Indian Territory and for other purposes. Said section reads as follows:

"In all cases where any husband shall abandon his wife, or wife her husband, and reside beyond the limits of this state for the term of five successive years, without being known to such person to be living during that time, their death shall be presumed, and any subsequent marriage entered into after the end of said five years shall be as valid as if such husband or wife were dead." Under that section we claim that the second marriage was valid and also the third.

EXAMINATION BY THE COMMISSION:

Q Mr. McBride when did you say it was that you married this Laura Hall? A Married her in July 1889.

Q In July 1889, you were then a resident of the State of Kansas? A Yes, sir, I had my girl up there in school, kept her there.

Q You have testified before this Commission in the matter of your application prior to this time haven't you? A Yes, sir.

Q Did you testify at Atoka, Indian Territory in November 1902? A Yes, sir.

Q At that time were you asked whether you had been married prior to your marriage to Winnie Jackson? A Yes, sir.

Q And did you answer that you had been married twice before? A Yes, sir, told them had been married three times.

Q You also testified before this Commission on June 17, 1901 didn't you? A Up here or down there?

Q In Muskogee? A I think so.

Q And at that time you were asked if you had ever been married prior to your marriage to Winnie Jackson? A Yes, sir.

Q And you replied at that time that you had? A Yes, sir.

Q And you stated that you had been married to Viola Gordon? A Yes, sir.

Q You didn't say anything at the time about the marriage to Laura Hall? A They didn't ask me.

Q And you didn't volunteer the information? A No, sir.

Q And when you testified in 1902 you testified that you had been married twice before? A I said three times.

Q You were asked if you had ever been married prior to your marriage to Winnie Jackson? A Yes, sir.

Q And you said twice before? A Yes, sir.

Q You were then asked the name of your first wife? A Yes, sir.

Q Which you gave as Hall? A Yes, sir.

Q Stated that you had lived with her about two weeks? A Yes, sir.

Q You were then asked whether she had obtained a divorce? A X I believe.

Q Didn't you testify at that time that she obtained a decree of divorce? A I thought she had.

Q That was your answer at the time? A I don't remember.

Q Were you then asked where she obtained it? A I don't remember about that.

Q After you had answered that your first wife had got a divorce were you asked where she obtained it? A I don't remember that.

Q And didn't you reply that she had obtained it at Omaha Nebraska? A That was what I had heard.

Q That was at Atoka in 1902? A I think I told him that was my understanding and he told me to get a copy.

Q Then you understood at the time that your first wife had obtained a divorce from you in Omaha, Nebraska? A That was what I had heard.

Q Didn't you testify a little while ago that you never heard anything at all of or concerning your wife until about six months ago? A No, sir.



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Q As a matter of fact this first wife of yours had not obtained any divorce from you at the time you testified in 1902? A Why from the record we obtained from her she hadn't.

Q And you had never sought to obtain a divorce from her? A No, sir, had been away from there five or six years.

Q From the time when you married your first wife or about two weeks after your marriage did you ever hear anything of or concerning her until 1895? A 1895?

Q That was the date of your second marriage? A I never heard anything from her at all or anything about her until awhile before that Commission met down there, I think that was in '92, and I heard that she had obtained a divorce in Omaha, that was in '92 and I wrote up there then in '93 I think it was to find out if she had obtained a divorce and they told me that she had not. I have the letter I wrote up there, they sent it back to me.

Q From the time of your marriage to this Laura Hall in 1889 and from the time she deserted you some two weeks thereafter you didn't hear anything of or concerning her whereabouts until about 1902, is that correct? A Yes, sir, just awhile before this Commission went down to Atoka.

Q Just prior to your meeting them there? A Yes, sir, I think in 1892.

Q And between those two dates you never knew anything about your wife? A While before that.

Q From the time she deserted you until just a short while before you appeared before the Commission at Atoka in 1902 you had never heard of nor anything of your first wife or her whereabouts or anything concerning her? A Didn't know a thing about her.

Q Didn't know where she had lived or anything? A She said she was going to Nebraska when she left, after I heard she got a divorce at Omaha I wrote.

#### EXAMINATION BY ATTORNEY BRAINERD:

Q This information that you got, Mr. McBride, concerning your first wife was received through your mother? A They sent it to her and I told her to bring it to the Commission and I commenced writing and I wrote five hundred letters before I ever got her located; I got her located about six months ago.

#### EXAMINATION BY THE COMMISSION:

Q When was it that you first commenced to try and locate your first wife? A After the Commission required me to turn in a copy of her divorce.

Q That was after you appeared before the Commission in 1902? A Yes, sir.

Q That was the first effort you made to find out what had become of your wife? A I had written before that. Her father stopped over here and told ~~me~~ my mother that she had a divorce and married again and I wrote to the place he said.

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Q What is your post office address? A Calloway.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. T. Difendafer*

Subscribed and sworn to before me this 22nd day of March 1905

*Myron White*

Notary Public.



✓  
In the Garland Chancery Court, At the December, 1904,  
term thereof; on the 20th day of February, 1905, the same  
being a day of said term of said court, when the following,  
among other proceedings, were had, to-wit:-

Laura Mc. Bride,-----Plaintiff,

vs.

Decree.

E. C. Mc. Bride,-----Defendant.

✓  
On this day comes the plaintiff, by her Solicitor,  
C. Floyd Huff, Esq., and comes the defendant, by his  
Solicitor, C.V. Teague, Esq., and the plaintiff, by leave  
of the court files the affidavits of W.M. Clay, Jessie  
Smith and of the plaintiff, in support of the complaint,  
and this cause is submitted to the court for its considera-  
tion and judgment, upon the complaint, the report of the  
attorney ad litem, the answer of the defendant, and the  
affidavits of witnesses on the part of the plaintiff,  
and the court being well and sufficiently advised in the  
premises,

It is therefore considered, ordered, adjudged and  
decreed, that the bonds of matrimony existing between the  
plaintiff, Laura Mc. Bride, and the defendant, E.C. Mc.  
Bride, be, and the same are dissolved, cancelled and set  
aside, and forever held for naught; that each party hereto  
be restored to all the rights, privileges and immunities  
of a single and unmarried person; that each party be  
restored to all property not disposed of at the com-  
mencement of this action, which either party hereto ob-  
tained from or through the other during the marriage and in  
consideration or by reason thereof.

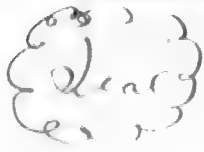
-----  
Clerk's Certificate of Record.

State of Arkansas)

County of (Garland) ss.

I, Geo. H. Lower, Clerk of the Chancery Court  
within and for the county aforesaid do hereby certify, that  
the foregoing page contains a true and perfect copy  
and transcript of the decree for divorce in the case of  
Laura Mc. Bride, against E.C. McBride, as therein set forth,  
and as the same appears of record in my office .

Witness my hand and seal this 28th day of February 1905 .

✓  
 Geo. H. Lower Clerk,  
By, Ed. Parkman D. C.

## CERTIFICATE OF RECORD

UNITED STATES OF AMERICA }  
Indian Territory } ss.  
Western District }

I, R. P. HARRISON, Clerk of the United States Court of the  
Western District, Indian Territory, do hereby certify that the instrument  
hereto attached was filed for record in my office the 17 day  
of Jan 1895, 190, at      M., and duly recorded  
in Book 0, Marriage Record, Page 160

Witness my hand and seal of said Court at Muskogee, in said  
Territory, this 13 day of Sept, A. D. 1906

Clerk.

By

Deputy.

# MARRIAGE LICENSE

UNITED STATES OF AMERICA  
Indian Territory  
Western District  
First Judicial Division } ss.

No. 776

To Any Person Authorized by Law to Solemnize Marriage -Greeting:-

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. E. C. McBride of Okmulgee, in the Indian Territory, aged 28 years, and Miss Viola Gordon of Okmulgee, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 22 day of November, A. D. 1895

Jas W. Phillips  
Clerk of the U. S. Court.

By J. L. Phillips Deputy.

## CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA  
Indian Territory  
Western District  
First Judicial Division } ss.

I, William V. Tunstall, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 29 day of November, A. D. 1894 did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 30 day of November, A. D. 1894

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book A, Page 86

Wm V. Tunstall  
A Minister of the Gospel.

NOTE - This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Filed and duly recorded this 17 day of Jan, 1895  
Joseph W. Phillips  
Clerk of the United States Court

## CERTIFICATE OF TRUE COPY.

United States of America, }  
INDIAN TERRITORY, } ss.  
WESTERN DISTRICT.

I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of Marriage License and Certificate of Marriage as the same appears from the records of my office.

Witness my hand and seal of said Court at Muskogee in said Territory, this 13th day of Sept., A. D. 1906  
R. P. Harrison

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

# MARRIAGE LICENSE

UNITED STATES OF AMERICA }  
Indian Territory } SS.  
First Judicial Division

No. 776

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WITNESS my hand and official seal at Muskogee, Indian Territory, this 22 day of November, A. D. 1895  
By J. L. Phillips Deputy. Jas W. Phillips Clerk of the U. S. Court.

## CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA }  
Indian Territory } SS.  
First Judicial Division

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WITNESS my hand this 30 day of November, A. D. 1894  
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book 2, Page 26

Wm V. Tunstall  
A Minister of the Gospel

NOTE--This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued, will be liable in the amount of One Hundred Dollars (\$100.00).

Filed and duly recorded this 17 day of Jan 1895  
Joseph W. Phillips Clerk of the United States Court

## CERTIFICATE OF TRUE COPY.

United States of America, }  
INDIAN TERRITORY, } SS.  
WESTERN DISTRICT.

I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of Marriage License and Certificate of Marriage as the same appears from the records of my office.

WITNESS my hand and seal of said Court at Muskogee in said Territory, this 13th day of Sept., A. D. 1906  
By J. H. Dickey Deputy. R. P. Harrison Clerk and Ex-Officio Recorder.

No. 7-D-634.

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In the matter of the application for enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

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Applicant's Brief.

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Ezra Brainerd, Jr.,

Attorney.

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Department of the Interior,  
Commissioner to the Five Civilized Tribes.

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In the matter of the application  
for enrollment of Emmette C. Mc  
Bride as a citizen by inter-  
marriage of the Choctaw Nation.

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No. 7-D-634.

A p p l i c a n t ' s   B r i e f .

The evidence in this case shows that the applicant, Emmette C. McBride, married in July, 1889, at Crawford County, Kansas, one Laura Hall; that these parties lived together but for a short period of some two weeks, when the said Laura Hall abandoned and deserted the Applicant, going to parts to him unknown; that following this desertion the Applicant moved to the Indian Territory, where he has since continuously resided.

That in November, 1895, six years after the Applicant's abandonment by Laura Hall, he, not knowing her to be living, married a second time to Viola Gordon, with whom he lived for a period of two years; that in 1901 he obtained a divorce from Viola Gordon, his 2d wife; and that following the granting of the said divorce, and on the 10th of June, 1901, the Applicant married, at Wilburton, in the Choctaw Nation, Winnie Jackson, a citizen of said Nation.

The evidence further shows that in 1902 the Applicant first learned, and then indirectly, that Laura Hall, his 1st wife, was living; and that in 1904 she was located in the state of Arkansas, where in the same year she obtained a divorce from the Applicant.

Under this statement of facts two questions arise: First, was the Applicant's marriage to Viola Gordon, his 2d wife, a valid marriage? Second, assuming the first question to be answered in the affirmative and also the validity of the Applicant's divorce from



the said Viola Gordon, was the status of the Applicant at the time he married Winnie Jackson, his 3d wife, such that he was capable of contracting a valid marriage under the tribal laws, customs, and usages of the Choctaw Nation?

The proof shows that for thirteen successive years following the desertion of the Applicant by Laura Hall, his 1st wife, no word was directly or indirectly received from her by the Applicant; that following the said desertion the Applicant came to the Indian Territory to live near and to be with his parents, who resided at Fort Gibson, in the Cherokee Nation; that after remaining in the Cherokee and Creek Nations for six years, and without having heard from, or knowing anything as to the whereabouts of, Laura Hall, his 1st wife, and naturally presuming her to be dead, the Applicant married Viola Gordon, his 2d wife. And Bishop in his work on Marriage, Divorce, and Separation, says "truly the marriage is an added ground for inferring death. For right minded men and women, as all are assumed to be, will not knowingly commit polygamy." The presumption is then, and we assume, that the Applicant married in perfect good faith Viola Gordon, his 2d wife; and that after his divorce from her, he again in absolute good faith married Winnie Jackson, the woman with whom he is now living and supporting, and by whom he has raised a family.

The law applicable to the foregoing statement of facts is, as previously called to the attention of the Commissioner, that found in section 4597 of Chapter 103 of Mansfield's Digest of the laws of Arkansas, put in force in the Indian Territory by act of Congress May 2d, 1890, entitled: An Act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Courts in the Indian Territory, and for other purposes. Which said section was made to apply to all persons, irrespective of race, by Act of Congress June 7, 1897. Said section reads as follows:

"In all cases where any husband shall abandon his wife, or wife her husband, and reside beyond the limits of this Territory for the term of five successive years, without being known to such person to be living during that time, their death shall be presumed, and any subsequent marriage entered into after the end of said five years shall be as valid as if such husband or wife were dead".

This section makes the Common law presumption of death after a certain number of years abroad and unheard of, a conclusive presumption--a presumption of law--and a marriage celebrated in good faith after the end of five years as valid as if the husband or wife were dead. Greenleaf says: "In cases of conclusive presumption the rule of law merely attaches itself to the circumstances, when proved; it is not deduced from them. It is not a rule of inference from the testimony; but a rule of protection, as expedient, and for the public good. It does not assume the impossibility of things which are possible; on the contrary, it is founded, not only on the possibility of their existence, but on their occasional occurrence; and it is against the mischiefs of their occurrence that it is interposed".

A similar statute to the one in force here can be found in the state of California and in the state of New York, differing from our statute, however, in one important respect which will be noted hereafter. By such a statute the Courts hold the second marriage valid, if not annulled on the petition of one of the three parties to the two marriages. Thus, the Court in the case of *Gropsey v. McKinney*, 30 Barb., N. Y., 47, says where a second marriage has been contracted in good faith and in the belief that the prior marriage has been dissolved by death, the second marriage is within the protection of the statute and can be declared void only on the application of one of the parties. Since polygamy cannot be sanctioned by law, the Courts regard the prior marriage as valid and subsisting at all times, but as held in abeyance until the second marriage is declared void on the application of one of the parties. See *Valleau v. Valleau*, 6 Paige 207; *Jackson v. Jackson*, 94

Cal., 446.

In Griffin v. Banks, ( Supm. Ct. Gen. T. ) 24 How. Pr. ( N. Y. ) 213, it is held that when a wife marries a second husband after her first husband has been absent for five successive years, and the first husband dies without having the second marriage annulled, it will continue in force and cannot be disputed or invalidated by his representative or by any other party.

But the California and New York statutes differ from the Arkansas statute, in this, they provide that "the subsequent marriage shall be void only from the time when it is annulled". Our statute says any subsequent marriage "shall be as valid as if such husband or wife were dead".

A second marriage after five years under our statute dissolves the prior marriage just as much so as through it had been dissolved by the judicial decree of a competent court.

It follows that the marriage of the Applicant to Viola Gordon, his second wife, was as valid as if his first wife were dead. And that their status as man and wife was entitled to universal recognition. Thus the Supreme Court of the State of Maine in the case of Hiram v. Pierce, 45 Me., 367; 71 Am. Dec., 555, held a marriage by a wife having a former husband living valid under the Massachusetts statute, when at the time of the marriage the former husband had, for a period of more than seven years, entirely deserted her and had concealed his residence from her. The Court in the case of Van Voorhis v. Brintnall, 86 N. Y., 18; Dwyer's cases, Priv. Int. Law, 165, says: "We all know that in questions of marriage contract, the lex loci contractus is that which is to determine the status of the parties, and that this by consent of all nations is jus gentium". (The law which natural reason establishes among all races of men). And this "by tacit assent", says Kent.

By like reasoning, assuming the Applicant's divorce from Viola Gordon, his 2d wife, to have been lawfully obtained, the Applicant's

status as a divorced man, capable of contracting marriage, was entitled to recognition not only in the Choctaw Nation, where the Applicant afterwards settled, but in all civilized states.

Every government is entitled to establish, reverse or modify, the status, as married or single, of all persons domiciled within its jurisdiction, and interstate comity requires the status thus given to be recognized in all countries. There are two exceptions to this rule: the first is where the status has been obtained by fraud or without jurisdiction; and the second, where the recognition of such status is prohibited by positive law. It cannot be successfully contended that the Applicant's status as a man capable of contracting marriage, was effected by either of the two exceptions noted above at the time of his marriage to Winnie Jackson, his present wife.

If the Applicant had obtained in the state of Kansas from a competent court with full jurisdiction a divorce from Laura Hall, his 1st wife, on the ground of wilful desertion, and had afterwards married a second wife and been divorced from her, is there any question but what his status as a marriageable man would have been recognized in the Choctaw Nation, notwithstanding the fact that the ground upon which he obtained his first divorce might not be a cause for divorce in the Choctaw Nation. Foreign divorces have for years been recognized as valid in the Choctaw Nation, and the divorced parties capable of contracting new marriages. Suppose the Applicant after having married Viola Gordon, his 2d wife, ~~he~~ had gone into the Choctaw Country, and had there obtained a divorce from her, is there any question but what his status then would have been that of a man capable under the tribal laws of contracting another marriage? Certainly not.

It seems then that the Applicant having had the capacity to contract marriage and which said capacity was recognized by the Choctaw Nation, and having celebrated his marriage to Winnie Jackson

in conformity to the tribal law, his marriage to her must be deemed to be valid and in accordance with the laws, customs, and usages of the Choctaw Nation.

All of which is respectfully submitted,

Clayton V. Brainerd

Attorneys for the Applicant.

Muskogee, Indian Territory.

No. 1-5-634

In the matter  
of the application  
of Emmett S. Mc-  
Bride for en-  
rollment as  
an intermarried  
citizen of the  
Cherokee Nation

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Arguments

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Egna Brown for  
Atty.

Filed

OCT 23 1906



Department of the Interior,  
Commissioner to the Five Civilized Tribes,

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In the matter of the application )  
for enrollment of Emmette C. Mo )  
Bride as a citizen by inter- )  
marriage of the Choctaw Nation. )

No. 7-D-634.

Argument of Applicant's Counsel.

The precise question involved in the case is whether or not the applicant's marriage to Viola Gordon abrogated the marriage relation theretofore existing between him and Laura Hall.

A sovereign government thru its law making power has full authority over the marriage relation; it may establish the conditions under which parties may enter into it and prescribe the manner of its termination. It is within the power of the legislature to dissolve the marriage relation by such methods and for such reasons as to it seem proper.

In carrying out its undoubted powers, the legislatures have frequently dissolved the marriage relation by special acts without reference to judicial tribunals. It is as clearly within the province of the legislature to provide, if it see fit, that the marriage relation shall cease upon the happening of a given state of affairs in the event the injured party performs a certain positive act, as remarriage, as it is for the legislature to provide that upon the existence of a similar state of affairs and the judicial determination thereof. For instance, the legislature thought it wise that the marriage relation should cease where one of the parties thereto absents himself for five years. It was clearly within the discretion of the legislature whether



or not they would leave the termination of that relation to the discretion of a court or of the injured party. The positive act, that of remarriage, under the statute, puts in effect the will of the law making power that such marriage shall no longer exist as effectually as the decree of a court. The question of expediency in leaving such dissolution to the will of the injured party, is a question for the law making body alone.

In the question now before the Commissioner the Choctaw law is not directly involved for the Choctaw Nation would recognize the right of the sovereignty where the applicant lived prior to his intermarriage to Winnie Jackson to determine his status as a married or single man. If under the laws of that jurisdiction ~~xx~~ where he resided before his intermarriage, his marriage relation with Laura Hall had been abrogated in any manner proper under the laws of that jurisdiction, whether it be by divorce, by special legislative enactment, or as is contended in this case, under the operation of a statute designed for that purpose. He no longer labored under the disabilities of that marriage and when he entered the Choctaw Nation he did not carry with him that marriage relation, his status was that with which he left the previous jurisdiction, and under the Choctaw law, being relieved of the disabilities of the marriage relation, under the laws of the country in which he was domiciled, and whose laws had jurisdiction over him, he was as free from any disabilities of the pre-existing relation as thou he had carried with him a certificate of absolute divorce.

When he desired to intermarry with a citizen of the Choctaw Nation, the law there would inquire of him only whether he had been relieved of his disabilities by the laws of the sovereignty which had jurisdiction of him and his status, and not as to the manner the aforesaid jurisdiction had proceeded in removing that disability.

It having been seen that it was within the power of the law making body, if it chose, to relieve him of his disabilities by providing that such relationship should cease upon the existence of a given state of facts, and upon his taking advantage thereof in the manner required by the statute, by remarriage, it now becomes pertinent to inquire whether or not it was the intention of the legislature in passing section 4596 to thus abrogate the previous marriage relation.

In the interpretation of this statute but two constructions are possible: First, the legislature must have intended that this marriage relation should continue notwithstanding the celebration of the second marriage; or Second, the legislature must have intended that upon the celebration of the second marriage the marriage relation created by the first marriage should thereupon cease.

There is no opportunity in interpreting this statute for a half way construction. Either wife number one continued after the celebration of the second marriage to be wife with all the disabilities and privileges incident thereto, or else she ceased to be wife and was relieved of those disabilities and barred from those privileges.

In the interpretation of a statute Courts will always give to it such a construction as is the least mischeavous, and of two constructions offered, will always adopt that one which works no hardships, produces no violation of law, bastardizes no issue, and does not produce results contrary to the general policy of civilized communities.

It does not appear that the second construction would produce any mischevous results or bring about any situation or relation contrary to law or to the policy of civilized society.

To hold that such first marriage upon the celebration of the second marriage is ipso facto annulled and the marriage relation at an end permits the first spouse to remarry and produces no consequences other or different from those following a divorce by judgment of a competent court. Upon the new relation being entered into, the old relation ipso facto ceases, and no instance can arise wherein for any period of time, long or short, a state of polygamy or polandry exists.

To adopt the first construction opens the door to grave evils. For illustration take the case of a woman who marries and whose husband deserts and abandons her for more than five consecutive years upon the expiration of which time she remarries under the permission of the Arkansas statute which provides that such a second marriage shall be as valid as though such first husband were dead. Nevertheless, such first marriage remains as valid as though said second marriage had never been celebrated, unless as contended by the applicant the second construction be adopted. Until either the first or second marriage be annulled, set aside, or a divorce granted to the parties there are two husbands with equal rights in one woman. The law presumes toward innocence, it presumes that none of the parties would commit any act that would be a cause for divorce and that no cause for divorce would arise thereafter. Then, so far as relief from that condition be concerned, so far as divorce is concerned, no relief can be expected during the life of the victims of this three party relation, for no cause of action exists in favor of either of the parties thereto except in favor of the woman against the first husband for desertion of which she may avail herself or not as she chooses.

No remedy can be availed of by the first husband because he was the guilty party. Even though his wife have a cause for divorce against him, he has none against her, and cannot compel her to avail herself of her action.

Even tho she live in cohabitation with another man, her intercourse with the second man is not adultery for she is married to the second man by a marriage which the statute says shall be as valid as tho the first husband were dead, and her intercourse with him will not relieve the first husband <sup>from</sup> ~~with~~ this anomalous position. The second husband is also caught in a trap from which he cannot escape; the marriage into which he entered with the woman is declared by statute to be as valid as tho the first husband were dead, it cannot be annulled by reason of his return, for any defect or want of capacity or other cause existing, for the law has expressly set the stamp of validity upon it notwithstanding the existence of the prior husband the existence of whom the second husband had never heard, or if he had heard, presumed, as he legally might, that he was dead. The first husband may return and resume his prior relation with his wife and his cohabitation with her will not entitle the second husband to any relief, for the second marriage is as valid as though the first husband were dead. And how could any marriage in which the prior husband had died be annulled? For illustration upon what grounds could a marriage contracted by a man with a woman having a prior husband, already deceased, be annulled? Yet, the statute declares that the marriage set forth as an example or illustration is equally valid. Nor has the second husband any cause for divorce, for his wife's marriage to the first man was a valid marriage and exists for the life time of the parties unless otherwise dissolved.

It will be observed that statutes some <sup>what</sup> similar are in force in other jurisdictions, but there is a marked and significant difference between them and the statute under consideration. They invariably provide that the second ~~marriage~~ marriage shall be valid until annulled, but the statute of Arkansas provides that such marriage shall be as valid as though contracted after the death of

the other spouse. It is one of the incidents of the marriage of the last named class that it is not subject to annulment by reason of there being a former husband or wife living. It is only void marriages that are subject to annulment, and again the statute declares that the marriage in question was a valid marriage.

It will be observed that under the statute of the other states that a way of relief is afforded the parties to this intolerable situation, for either of them may apply to have the second marriage annulled because of the existence of a prior husband or wife which prevented the party from contracting a valid marriage, and it will be also observed that in every instance the relief is obtained by attacking the second marriage as void. In no instance is the first marriage ever declared void under these statutes, and neither here nor there is it possible to attack such first marriage as void. While an opportunity exists under the statutes of the other states to relieve the situation by declaring the second marriage void, the statute of Arkansas expressly places the second marriage beyond the reach of any attempt to have it declared void.

Marriages are annulled only for incapacity existing at the time the marriage is entered into; divorces are granted for causes arising subsequent to the contracting of the marriage. The relief in New York and California has been granted by attacking the second marriage as void for want of capacity by reason of the existence of a prior husband or wife. If such husband ~~as~~ or wife had been dead there would have been no incapacity, consequently no void marriage, consequently no power in the court to annul it, and the marriage referred to in the previous illustration is made just as valid and binding as the one under the circumstances just before referred to. This result produces a situation in which one woman and two men can live together during the remainder of their natural



lives, being lawfully married and cohabiting and living in a state of polandry, which like that of polygamy is totally foreign to the spirit of our law and to civilized society and decency, and no construction of a statute ought to be adopted which would permit such a situation to arise. The living together in polygamy is an indictable offense under the laws of every civilized community. Yet, it is difficult to see how if a woman should choose so to live, she could be prosecuted therefore, for the law everywhere would hold the first marriage valid and the statute of Arkansas declares that the second marriage shall be valid. Under the decisions of our Courts one of the two marriages must give way. None of them contend that both can subsist. The statute has declared in substance that the second need not give way.

The only relief from this relationship which is an odious and an intolerable one would be as before suggested, an action by the woman against the first husband for divorce on the ground of desertion, but of this remedy she is not obliged to avail herself, it is her personal privilege; neither of the other parties nor the law itself can compel her to avail herself to a right to a divorce. If preferring to live in this odious relation, she elects to do so, she cannot, if the first contention is true, be prevented therefrom or prosecuted for so doing. But the law will not leave it to the option of evil disposed persons whether or not they will live in a relationship that is odious in all civilized communities, but will give to the statute such construction as will prevent the possibility of ~~in any~~ such a violation of the policy of our law.

Such a result can be obtained only by holding that the second marriage ipso facto annuls the first marriage. It may be contended that the construction of the statute above <sup>exemplified</sup> ~~exemplified~~ does not make it necessary for both husbands to live with the woman in this re-

lationship, but the law will not leave it to their discretion but as before indicated will adopt such a construction as will prevent the possibility of the existence of such a relation, and it is to be further observed that such a condition of affairs, even though one of the husbands should abstain from cohabiting with the woman, would still leave him in such a condition that he would be incapable of contracting a valid marriage or of living in cohabitation with any other woman, except unlawfully. He is placed in that position that he must choose between half a woman or none!!

It has been suggested however, that the first marriage may remain in abeyance until the dissolution of the second marriage by death or otherwise. Such a construction should be given to this statute as it appears the legislature must have had ~~taxes~~ intended not only for the case at bar but for all other cases that might reasonably be expected to arise under it. It should be noted first that the legislature, presumably having in mind all situations which might arise under the statute, did not declare that the first marriage should be held in abeyance.

Take for further example the case first cited; under the law of this jurisdiction the man and woman might have been married at the ages of 17 and 14 years respectively. Suppose they were married immediately upon reaching the age of consent; that upon the succeeding day the husband deserted the wife and remained without the state unheard of for five successive years; that immediately upon the expiration of said five years, the woman remarried and that upon the day succeeding the remarriage, the husband returned. If the first marriage remained in abeyance until the dissolution of the second marriage by death or otherwise, what is the situation of the first husband? If we say he is entitled to remarry, we concede the position taken by the applicant in this case. If he is entitled to re-



marry, then the marriage relation must have been dissolved ipso facto, as contended by the applicant. But if it is contended that the marriage remains in abeyance awaiting the dissolution of the second marriage, what then is his situation! He would be at this period approximately 22 years of age, only five years of the natural period of his life during which he might live in wedlock having elapsed. There is no occasion to presume any difference in the ages of the respective husbands, or that one will live longer than the other, or that the second marriage will ever be dissolved, except by death. Nor is there any reason to presume that the second marriage would be dissolved during the lifetime of the first husband, or that the lives of the different parties would exceed, or fall short, of the natural allotted life of man. At the age of 22 he finds himself as a party ~~not~~ to a marriage held in abeyance, unable to live or cohabit with the other party thereto for the statute has declared her to be the lawful wife of another man, and in that state and condition he is a party to a marriage held in abeyance, deprived of the privileges and burdened with the disabilities of the marriage state, in which condition he must remain for the rest of his natural life. He may not obtain a divorce from his wife by reason of the second marriage because the statute says that the second marriage is as valid as tho he were dead, and intercourse with the second husband under such a marriage is not adultery. He may not cohabit with the woman for she is the lawful wife of another man, and no construction ought to be adopted which would require a man to live in such a relationship. He may not cohabit or enter into the marriage relationship with any other woman if the marriage is held in abeyance, because he is already married. The conduct of the wife in consorting with the second husband

is not a desertion of him or a cause of divorce because such action on her part would be perfectly legitimate and proper if she is lawfully married to the second husband, and the statute has declared the lawfulness of the second marriage. It condemns the man to a state of celibacy for a period that may include all but five years of his life after arriving at the age of consent. It is true that it was through his desertion that this condition of affairs originally arose, but the results are too severe a penalty, too wide a departure from the policy of our law, which favors the living together of men and women in a state of lawful wedlock, to be justified by such wrongful conduct on his part, which may, in part, have been the result of causes beyond his control. It is seriously contended in the case before the Commissioner that there could not have been a wife unless there was a husband; that Laura Hall could not have been the wife of the appellant unless she had the right to live and cohabit with him as a wife; that when that right, and his correlative right to live and cohabit with her ceased, the relationship ceased; and it is ~~in~~ inconceivable that a party can be discharged of the marriage relationship, free to and actually living in the marriage relation with another spouse and still the other party to the first marriage be still bound by it.

If the law does not favor the parties under the conditions above considered, when and how does the party whose spouse has remarried find relief? It appears that the law controlling in the jurisdiction of this marriage does not afford relief by divorce or annulment. If the relationship is not to continue indefinitely there must be some point where it ceases. The law has provided no point unless it is at the time of remarriage. The law gives the deserted husband or wife the right to terminate the old marriage by contracting a new one. As the injured party, it gives him the

option of putting the law in motion and of terminating the former relationship.

The only construction that can be given to the statute that is consistent with its language and the policy of our law is that when the second marriage is contracted the first is ipso facto dissolved.

Respectfully submitted,

Ezra Brainerd Jr.  
Attorney for applicant.

Dated: October 23d, 1906.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on June 17, 1901, application was made to the Commission to the Five Civilized Tribes for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of said application at Atoka, Indian Territory, on November 18, 1902, and at Muskogee, Indian Territory, on March 21, 1905.

It further appears from the record herein that on June 10, 1901, the applicant was married under the laws, customs and usages of the Choctaw Nation to Winnie McBride (nee Jackson), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears opposite No. 12013 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 6, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; and that they lived together continuously as husband and wife in said nation from the date of said marriage up to and including September 25, 1902.

The record herein further shows that the applicant had prior to his marriage to said Winnie McBride (nee Jackson), been married to one Laura Hall, a non-citizen white woman, who deserted him in July, 1889, while residing in the State of Kansas; that her whereabouts were unknown to the applicant until 1902, when he discovered that she was still living, and in the month of November, 1898, the applicant was married under the United States laws to one Viola Gordon, a non-citizen white woman, from whom he secured a divorce prior to his marriage to said Winnie McBride.

There is on file with the record in this case a copy of the decree of divorce secured by Laura McBride from the applicant in the Chancery Court of Garland County, Arkansas, on February 20, 1905.

Section 4597 of Mansfield's Digest of the Statutes of Arkansas provides:

"In all cases where any husband shall abandon his wife, or wife her husband, and reside beyond the limits of this state for a term of five consecutive years, without being known to such person to be living during that time, their death shall be presumed, and any subsequent marriage entered into after the end of said five years shall be as valid as if said husband or wife were dead."

This provision of the Arkansas Statutes was extended and put in force in Indian Territory by the Act of Congress approved May 2, 1890 (26 Stats., 95).

The applicant being a citizen of the United States and a resident of the Indian Territory at the time of his marriage under the United States law to the said Viola Gordon, said marriage was under the law, above quoted, as valid as if the former wife of the applicant had been dead, and, therefore, the marriage of the applicant to said Viola Gordon annulled his former marriage to Laura Hall. This being true, when the applicant obtained a divorce from said Viola Gordon, he was competent to contract marriage, and his marriage to the said Winnie McBride was lawful and conferred upon him the status of a citizen by intermarriage of the Choctaw Nation.

I am, therefore, of the opinion that Emmette C. McBride should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1907

Muskogee, Indian Territory, January 12, 1907.

Emmette C. McBride,

Calloway, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Emmette C. McBride will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Muskogee, Indian Territory, January 12, 1907.

Ezra Brainerd,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 12, 1907, rendered his decision granting the application for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against his enrollment. If at the expiration of that time no protest has been filed, the name of Emmette C. McBride will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Dixby*

Commissioner.

Registered.  
7-D-634.



Muskogee, Indian Territory, January 12, 1907.

C. V. Teague,  
Attorney at Law,  
Hot Springs, Arkansas.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 12, 1907, rendered his decision granting the application for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against his enrollment. If at the expiration of that time no protest has been filed, the name of Emmette C. McBride will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Muskogee, Indian Territory, January 12, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, granting the application for the enrollment of Emmette C. McBride as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against his enrollment. If at the expiration of that time no protest has been filed, the name of Emmette C. McBride will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Registered.  
7-D-634.

Commissioner.

Choctaw D 634

Muskogee, Indian Territory, October 15, 1902.

Emmette C. McBride,

Galloway, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, stating that you have deposited your marriage certificate from the County Clerk of Gaines County, Choctaw Nation, with the Commission and ask what further evidence is necessary in your case.

In reply to your letter you are advised that it appears from our records that the marriage certificate between yourself and Winnie Jackson, issued by the County Clerk of Gaines County is on file with the record in this case. You are advised, however, that it will be necessary for you to appear before the Commission at one of its appointments most convenient to your residence, in order that the status of your case on September 25, 1902, may be determined by the Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 20, 1903.

Emmette C. McBride,

Calloway, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 16, asking the status of your application for enrollment.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 1, 1903.

E. O. McBride,

Calloway, Indian Territory.

Dear Sir:

Your letter of July 16, 1903, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that your wife, Winnie McBride, has filed on her allotment, and that you have valuable improvements upon the land which you desire to select in allotment, in the event your enrollment is approved by the Secretary of the Interior. You ask what protection you may have against other persons selecting said land.

In reply to your letter you are informed that if you will furnish a correct description of the land upon which you have improvements and which you desire to select in allotment, proper notation thereof will be made on our records, and you will be advised in the event any other person makes application for the same land or any portion of it, and will be permitted to institute

E.C.M.-----2

contest proceedings for its possession.

Respectfully,

Commissioner in Charge.

7-D-634.

Muskogee, Indian Territory, October 29, 1903.

Emmette C. McBride,

Calloway, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming your right thereto by reason of your marriage to Winnie Jackson, a recognized and enrolled citizen by blood of the Choctaw Nation.

In your testimony before the Commission given at Atoka, Indian Territory, on November 18, 1902, you state that you had been married twice previous to your marriage to Winnie Jackson, and that you had been divorced from each of your former wives. There is on file with the records in your case a certified copy of the decree of divorce between you and Viola O. McBride, but it does not appear that there is on file in your case a certified copy of the decree of divorce between you and your first wife.

You are advised that it will be necessary for you to furnish the Commission with a certified copy of the decree of divorce between you and your first wife.



E.C.MoB.--2.

This matter should receive your immediate attention, as, until this is received, nothing further can be done in the matter of your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D-634

Muskogee, Indian Territory, September 20, 1904.

Linebaugh Bros,

Attorneys-at-Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, requesting information relative to the status of the application for enrollment of Emmett C. McBride as a citizen by intermarriage of the Choctaw Nation, and if it is necessary that further testimony be furnished in said case.

You are informed that the Commission has not, up to this time, passed upon the application for enrollment of Emmette C. McBride. As soon as a decision is reached in his case you will be duly notified of the action taken therein by the Commission.

If further evidence is required in support of his application for enrollment, you will be duly notified.

Respectfully,

JD

Chairman.

7-D-634

Muskogee, Indian Territory, November 25, 1904.

Emmett C. McBride,

Galloway, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 21, 1904, in which you state that you will forward certain evidence in your case as soon as the same is obtained.

In reply to your letter you are advised that you should introduce the evidence referred to as early as practicable in order that disposition may be made of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 17, 1904.

Emmette C. McBride,

Calloway, Indian Territory,

Dear Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you were advised on October 29, 1903, that it would be necessary for you to furnish the Commission with a certified copy of the decree of divorce between you and your first wife, inasmuch, as it appears from your testimony that you had been married twice prior to your marriage to Winnie Jackson, through whom you claim.

The Commission has not yet been furnished with said certified copy, and you are again requested to forward the same without delay, as nothing further can be done in the matter of your application for enrollment until it is furnished.

Respectfully,

Chairman.

7-D-634.

Muskogee, Indian Territory March 3, 1905.

C. V. Teague,  
Attorney at Law,  
Hot Springs, Arkansas.

Dear Sir:

There has been filed with this Commission, in the matter of the application of E. C. McBride for enrollment as a citizen by intermarriage of the Choctaw Nation, what purports to be a certified copy of a decree of divorce issued to Laura McBride in the divorce suit brought by her against the said E. C. McBride. This decree appears to have been issued on February 20, 1905 and the copy that we have sets forth that you appeared as attorney for the defendant.

From the records of this Commission it appears that E. C. McBride was married on June 10, 1901 to Miss Winnie Jackson, a citizen by blood of the Choctaw Nation. In his examination before this Commission on November 18, 1902 he testified that he had been married twice before he married Miss Jackson and that one of his former wives was Laura Hall, who it is presumed is the same person to whom the above mentioned decree of divorce was granted. He further testified that they lived together for about two weeks when

C V T -2

they separated and were subsequently divorced and, by inference at least, that such divorce was granted prior to his marriage to Miss Jackson.

If you will kindly advise the Commission whether the date given on the certified copy of the decree of divorce above referred to (February 20, 1905) is the correct date on which Laura McBride secured the divorce from E. C. McBride and whether, to your knowledge, any divorce proceedings between the said parties had been instituted and brought to a conclusion prior to June 10, 1901, <sup>yes</sup> the courtesy in so doing will be appreciated.

Respectfully,

Commissioner in Charge.

Hot Springs, Arkansas, 3-2-1905.

~~7-B-386~~  
Major C. R. Breckenridge,  
Muskogee, Ind. Ter.

Dear Sir:

In reply to your letter of the 3d, I will state that suit for divorce was filed hereby Laura McBride vs E. C. McBride and I was appointed attorney and litem. He authorized me to enter his appearance to the suit, which I did, filing his letter with my answer. The records have been burned, but I am informed by the attorney for Mrs. McBride that the decree was rendered on Feb. 20, 1905, as stated in your letter. I know of no other decree prior to that time.

Yours truly,

C. V. Tsague.



Muskogee, Indian Territory, March 13, 1905.

C. B. Teague,

Hot Springs, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 8, 1905, in which you state that you know of no decree rendered in the case of Laura McBride versus E. C. McBride prior to February 20, 1905.

This information has been made a matter of record.

Respectfully,

Chairman.

7-D-634

Muskogee, Indian Territory, January 22, 1906.

Ermett C. McBride,  
Calloway, Indian Territory.

Dear Sir:

Your letter of January 1, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask if your application for enrollment as an intermarried citizen of the Choctaw Nation has been referred to him for action.

In reply to your letter you are advised that this office is still considering the application for your enrollment as an intermarried citizen of the Choctaw Nation and when a decision is reached therein you will be notified of the action taken.

Respectfully,

Commissioner.

Choc 6066

George Earnest

Trans from 7-D588

1-17-07

6066

7-D-588  
(COPY).

Commission to the Five Civilized Tribes,  
Goodland, Indian Territory.

In the matter of the enrollment of George Earnest and  
Willie Earnest as citizens by blood of the Choctaw Nation,  
Laura Willis, being sworn and examined by Commissioner McKennon,  
testifies:

- Q What is your name? A Laura Willis.
- Q What is your age? A I don't know.
- Q About fifty or sixty? A I reckon.
- Q Are you Choctaw? A No sir I am mixed.
- Q Are you registered as a Choctaw? A No sir, as a freedman.
- Q Where do you live? A Down here about ten miles.
- Q Do you know these two children? A No sir, I know the grand-  
ma of them.
- Q What was her name? A Mary Morris.
- Q What was she? A A white woman.
- Q Did you know their father? A Yes sir.
- Q What was his name? A Charley Morris.
- Q Do you know whether they were married or not? A Yes sir, I  
know they were married.
- Q Were you present at the marriage? A No sir, but I wasn't far  
from them; they were married down about Dokesville.
- Q How do you know they were married? A His father told me  
they were married; he said his son was about to marry, and asked  
me to go up there, and I told him I couldn't go.
- Q Did you see them after they were married? A Yes sir.
- Q How long after? A About a week or two.
- Q Were you ever at their house? A Yes sir, I have been at

(George & Willie Earnest, Laura Willis, witness #2  
their house lots of times when they lived in the Nation.

Q They lived together as husband and wife?

A Yes sir.

Q Did they have any children? A Only one.

Q What was its name? A I don't know.

Q Was it a boy or girl? A Girl.

Q You never saw the child? A Yes, sir, but I don't know the name.

Q You know what became of her? A They went to Texas.

Q All of them? A Yes sir; she did, he didn't; I don't know where he went to.

Q The child's father and his wife, did they separate?

A I think so.

Q And she went to Texas? A Yes sir.

Q How old was the child at that time? A It was walking; I don't know how old it was.

Q You never saw the child after that time? A No, sir, never saw it any more.

Q (By Judge Dukes) Was Charley Norris Chootaw? A Yes sir, old man Norris' son.

Q What kin was he to Tony? A Brother. His mother was a Hall, sister of Perry Hall was Charley Norris' mother.

Q (Louis) Was she a white woman? A Yes sir.

Q Were they married? A Yes sir.

-----  
A. R. Durant, being sworn and examined by Commissioner McKennon, testified as follows:

Q Sixty years of age? A Yes sir.

(George & Willie Earnest,--A.R.Durant, #2

Q Do you know these children, Judge? A No sir.

Q Did you know their mother? A Yes sir.

Q What was her name? A Mary.

Q Who was her father and mother? A I don't know that, she was a white woman, I don't know anything about her father and mother.

Q You just knew the mother of these two children, Mary?

A Yes sir.

Q What did you know about her?

A They are Charley Morris' children is all I know about them.

Q Who is he? A He was said to be a Choctaw.

Q Was he recognized as a Choctaw citizen? A Yes sir.

Q Did he appear to be an Indian? A Yes sir.

Q That all you know about it? A That's all I know about it.

Q (Judge Dukes) What relation was Charley Morris to Tene Morris? A They were brothers.

Q (Capt. McK) The mother of these two Earnest children was a white woman and the father was Choctaw? A Yes sir.

Q (Dukes) And Charley Morris was the father of these Georgie and Willie? A Yes sir.

Q And the mother was a white woman? A Yes sir.

Q You know whether Charley Morris was married to this white woman or not? A I don't know that.

-----  
Nicoy Norman, being sworn and examined by Commissioner McKennon, testified as follows:

(Judge G. W. Dukes, Interpreter).

Q What is your name? A Nicoy Norman.

Q How old are you? A Sixty-six.



George & Willie Earnest, Nicosy Norman, witness #2

Q What do you know about these children? A Says Charley Norris was a Choctaw on his mother's side; father was a white man.

Q Is that the father of these two children? A No, says Charley Norris was the father of them; might have been the grandfather; she don't know. She says she never saw Charley Norris after he was married.

Q You don't know who his wife was do you? A No sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

.....  
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(signed) M. D. GREEN.



W. O. B.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-588

Muskogee, Indian Territory, March 5, 1902.

George Earnest,

Goodland, Indian Territory.

You are hereby notified that the application of yourself  
and your minor brother, Willie Earnest,  
for enrollment as citizen of the Choctaw Nation will be taken  
up for final consideration by the Commission to the Five Civil-  
ized Tribes, at its office in Muskogee, Indian Territory, on  
the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commis-  
sion in person or by attorney when an opportunity will be given  
you to introduce any additional testimony affecting said appli-  
cation which you may think proper or necessary.

You are further notified that the representatives of the  
Choctaw Nation will also, at the same time, be afforded an op-  
portunity to introduce testimony affecting your right to en-  
rollment, but said representatives will be required to notify  
you of their intention to introduce such testimony before they  
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 14, 1902.

.....  
:: In the matter of the application ::  
:: of George Earnest and Willie Earnest :: D-588.  
:: for enrollment as citizens of the ::  
:: Choctaw Nation. ::  
.....

ON the 5th day of March, 1902, the applicants were notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of George Earnest and Willie Earnest for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the Applicants being called, failed to appear either in person or by attorney.

-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 14 day of April, 1902.

*Harriet H. Wood*  
Notary Public.

Commission to the Five Civilized Tribes.

Goodland, Indian Territory.

In the matter of the enrollment of Willie and George Earnest as citizens by blood of the Choctaw Nation.

Sallie Norris, being sworn by Commissioner McKennon, testifies as follows:

Q What is your name? A Sallie Norris.

Q Your age? A Forty.

Q You claim to be an intermarried citizen? A Yes sir.

Q Were you acquainted with the mother of these children?

A Yes sir.

Q What was her name? A Onie Norris.

Q What was her maiden name? Was she ever married?

A Yes, sir, her maiden name was Onie Norris.

Q Was she a Choctaw woman? A Yes sir, she was Charley Norris' daughter.

Q By whom? what was her mother's name? A Mary Norris. She married Charley Norris.

Q Was her mother a white woman? A Yes sir.

Q And she was married to Charley Norris? how do you know that?

A I saw the certificate of marriage between Charley Norris and this Mary Grissel.

Q That was the mother of Onie? A Yes sir.

Q Did they live together as husband and wife, Mary and Charley?

A Yes sir. This was before I came here, you know; I don't know.

Q You don't know whether they did or did not? A No.

Q Who knows about that? A Henry Willis knew her when she was living with Charley Norris.

Willie & George Earnest, Sallie Morris, witness #2

Q She is here now? A No sir, she lives on Kiamitia I expect about ten miles from here; after Charley got killed she moved back to Texas, Red River county, in four miles of Woodland; she married a man named Morris. This child grew up and married and came back to the Territory and died on Horse Prairie, and she is the mother of these children.

Q Who was the father of these children, a white man?

A I don't know; I can't say; I didn't know anything about the father.

Q Was she married? A They were illegitimate children. I kept these children a while after the mother died.

Q Where are these children? A I have one of them; he is here now. (George Earnest is here brought in).

Department of the Interior,  
Commission to the Five Civilized Tribes.

.....

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(signed) M. D. GREEN.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 14, 1902.

.....  
:: In the matter of the application ::  
:: of George Earnest and Willie Earnest ::  
:: for enrollment as citizens of the ::  
:: Choctaw Nation. ::  
.....

D-588.

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Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the Applicants being called, failed to appear either in person or by attorney.

-----  
Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 17 day of April, 1902.

*Clarence C. Hillwood*

Notary Public.

ChoctawD-30 .

In the matter of the enrollment  
of George Earnest, et al., as  
citizens of the Choctaw Nation.

PROTEST of  
Choctaw and Chickasaw Attorneys

DEPT. OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, WASHINGTON, D. C.  
**FILED**  
**FEB 6 1901**

*[Signature]*  
CHAIRMAN

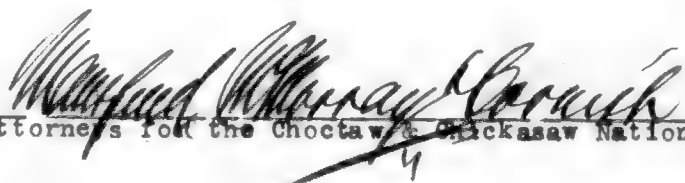
BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Earnest and Willie Earnest as citizens of the Choctaw Nation, Choctaw Field No. D-588.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Malsie Butler, et al., vs. Choctaw and Chickasaw Nations, No. 121 on the South McAlester Docket, in which the said court will decide the question of whether the illegitimate child of a citizen father will take the status of the father or mother, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.



7-D-588.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Hugo, Indian Territory, January 8, 1907.

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In the matter of the enrollment of George Earnest and  
Willie Earnest as citizens by blood of the Choctaw Nation, - 7 - D - 588.

Testimony taken at Kiowa, Indian Territory, November 25,  
1906.

ANNIE PIGOTT, being duly sworn, by Lacey P. Bobo, Notary  
Public in and for the Central District of Indian Territory, testified as  
follows:

BY THE COMMISSIONER:

- Q What is your name? A Annie Pigott.  
Q How old are you? A I will be 55 in December.  
Q What is your post office address? A Kiowa, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? Yes, sir.  
Witness is identified as a Choctaw by blood  
Roll No. 14428.  
Q Were you related to Charlie Morris? A I was a full sister to him.  
Q Is he at present living? A No, sir.  
Q When did he die? A In 1872.  
Q In what Choctaw County did Charlie Morris live the greater part of  
his life?  
A In Towson County, but he died near Paul's Valley in the Chickasaw  
Nation.  
Q Was Charlie Morris ever married? A Yes.  
Q To whom? A He was married to Mary Grizzel I heard, I did not see  
the ceremony.  
Q Was Mary Grizzel an Indian? A No, sir, she was a white woman.  
Q Did you understand Charlie Morris was legally married to Mary  
Grizzel?  
A Yes, sir, I never heard anything to the contrary if he was not.  
Q When was Charlie Morris married to Mary Grizzel?  
A It was some time in the sixties.  
Q How do you fix his marriage as occurring in the sixties?  
A He married several years before I did and I married in 1871.  
Q Did he have any children after his marriage?  
A I heard he had one daughter, I never saw the child nor learned its  
name, brother Charlie always called it his baby.  
Q What was the sex of this child? A It was a girl.  
Q Are you positive this child was a girl? A Yes, Charlie said it  
was.  
Q When was this child born? A I do not know, it was born about 1865.  
Q How many children did your brother Charlie have?  
A Only this one that I ever heard of, he had been married about a  
year and a half when this little girl was born.  
Q From the records of the Commission to the Five Civilized Tribes it  
appears that application for the enrollment of George Earnest and  
Willie Earnest has been made, and the testimony, at Goodland, Indian  
Territory, of Laura Willis, A. R. Durant, Nacey Norman and Gollie  
Morris has been procured: from this testimony it appears that

In re the enrollment of George and Willie Earnest ---- #2.- Annie Pigott.

Charlie Norris is the father or grandfather of these applicants, George and Willie Earnest: Do you know these applicants for enrollment? A I do not know them.

Q Was your brother, Charlie Norris, father of these applicants for enrollment? A He was not.

Q Do you know whether or not your brother Charlie Norris was the grandfather of these applicants? A I don't know that he was.

Q Do you know whether this girl that your brother called his baby ever reached womanhood and gave birth to children or not?

A I do not know, his wife Mary Grizzel moved off to Texas when the little girl was small and I lost track of them.

Q You state your brother Charlie Norris died in 1872: What caused his death? A He was shot.

Q Do you know one Sallie Norris (now Battiest) of Goodland, Indian Territory? A Yes, sir, I know her.

Q Is she related to you, if so state relationship.

A She was my sister-in-law, she married my full brother Andrew Norris, he was sometimes called Toney Norris.

Q It appeared from Sallie Norris' testimony, given before this party at Hugo, Indian Territory, in February 1906, said testimony being destroyed by fire at Ft. Towson, Indian Territory, that the respective ages of Willie and George Earnest were seventeen and fifteen years: In view of the ages of these children, could your brother Charlie Norris have been their father?

A No, sir, he could not have been their father, he might have been their grandfather.

Witness Excused .

Testimony taken at Hugo, Indian Territory, January 7, 1907.

SALLIE BATTIEST, being duly sworn, by Lacey P. Bobo, Notary Public in and for the Central District of Indian Territory, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Sallie Battiest

Witness is identified as a Choctaw by intermarriage, Roll Number 1230, on Dawes Commission Roll as Sallie Norris.

Q What is your age? A 48.

Q What is your post office address. A Hugo, I. T.

Q Are you the Sallie Battiest who gave testimony in the matter of the enrollment of George Earnest and Willie Earnest before this party in February 1906?

A Yes, sir.

Q You are a citizen by intermarriage of the Choctaw Nation by virtue of having been the wife of what Choctaw citizen?

A Andrew J. Norris, or Toney Norris.

Q Was Andrew J. Norris or Toney Norris your husband related to one Charlie Norris, a citizen of the Choctaw Nation?

A He was a brother.

Q Was Charlie Norris a married man?

A That's what they say, I could not say as to that.

Q What was his wife's name? A Mary Norris; her maiden name was Grizzel and then she married Norris and was afterwards married to a man by the name of Norris.

Q Is Charlie Norris living or dead? A Dead.

In re the enrollment of George and Willie Earnest ---#3--Sallie Battiest.

- Q When did he die? A I can't answer that, because that was before I came here.
- Q Were you acquainted with this woman Mary Grissel, formerly the wife of Charlie Norris? A Yes, sir, I was personally acquainted with her.
- Q Is she living? A She was the last time I heard anything of her.
- Q Did you have any actual or personal knowledge of this woman having been the lawful wife of Charlie Norris? A No, sir, I can't answer that.
- Q Did this woman have any children by Charlie Norris? A Yes, she had one.
- Q What was its name? A Onie Norris.
- Q Did your former husband, Andrew J. Norris or Tone Norris, recognize Onie Norris as being his brother's child? A Yes, sir.
- Q Did the mother of Onie Norris ever in conversation state to you who the father of Onie was? A Yes, sir.
- Q Whom did she state? A Charlie Norris.
- Q Was this wife of Charlie Norris and mother of Onie Norris a citizen by blood of the Choctaw Nation? A No, sir.
- Q You state you do not know whether this Mary Grissel was ever the lawful wife of Charlie Norris: was she recognized by your husband as being his sister-in-law?
- A Yes, sir, he recognized her as a sister-in-law and he recognized this child (Onie Norris) as a brother's child; she told me he married her but I did not see it.
- Q Did this Onie Norris have any children? A Yes, sir.
- Q What were their names? A George and Willie Earnest.
- Q You have personal and actual knowledge that George Earnest and Willie Earnest were children born to Onie?
- A I did not see them born, but I have seen them nursing.
- Q Are you well acquainted with these children?
- A Yes, I kept them for nearly a year after their mother died.
- Q When did their mother Onie die?
- A She died in 1892.
- Q Is George Earnest a boy and Willie Earnest a girl?
- A Yes, sir.
- Q At the time of their mother's death in 1892, how old, judging from his size, was George Earnest?
- A Well, to the best of my knowledge he was about five years old.
- Q How old was Willie Earnest at that time? A She was about three years old past; somewhere between three and four years old.
- Q Are George and Willie Earnest living at the present time?
- A They were the last time I heard from them, I have not seen the children for quite a while; I have not seen them for five or six years.
- Q Do you know whether or not these children were living on September 25, 1902?
- A I have not seen them but I have heard from them, they were living a year ago.
- Q Who was the father of George and Willie Earnest? A Well, now, I could not answer that.
- Q Were they legitimate or illegitimate children?
- A They were illegitimate children.
- Q Do you know their mother, Onie Norris to be a Choctaw by blood and the daughter of Charlie Norris?
- A I do not know it, of course; I know she was Charlie Norris' child from what I have heard; my husband claimed her as his niece, but as to knowing absolutely and personally I do not know it.
- Q Are you interested directly or indirectly in any estate these children may have by virtue of their enrollment as citizens by blood of the Choctaw Nation? A No, sir, I am not.

In re the enrollment of George & Willie Earnest --#4--Ballie Battiest.

- Q From the records of the Commission to the Five Civilized Tribes it appears that one Nicey Norman appeared before a session of the Dawes Commission at Goodland, Indian Territory, relative to the enrollment of George and Willie Earnest and gave testimony that their father Charlie Norris was a Choctaw on his mother's side, and that Charlie Norris was either the father of the grandfather of these children: Do you know this witness to be in error as to Charlie Norris being the father of these children, and this testimony as to Charlie Norris being a Choctaw on his mother's side and the grandfather of these children to be true?
- A That's a mistake about Charlie Norris being their father; he was the grandfather of these children and a Choctaw by blood.
- Q Are you acquainted with one A. R. Durant who formerly resided in this vicinity? A well, I think I am.
- Q It appears that A. R. Durant appeared before a session of the Dawes Commission at Goodland, Indian Territory, and gave testimony that Charlie Norris was the father of the applicants for enrollment, George Earnest and Willie Earnest, that he was a Choctaw by blood, and that their mother was a white woman: Were you present at a session of the Dawes Commission when A. R. Durant appeared and gave testimony? A yes, sir.
- Q Was A. R. Durant well acquainted with the Choctaws in this country? A yes, sir.
- Q Was he correct or in error about Charlie Norris being the father of these applicants and the mother being a white woman?
- A He was not correct about it; Charlie Norris was the grandfather and the mother was a Choctaw by blood and Charlie Norris' daughter
- Q How do you account for A. R. Durant, from his acquaintance with Choctaw citizens in this county, making such an error as he made?
- A It was malice that made him do it; he told me that if I would give him ten dollars he would put the children on the roll, and I told him I would not do it for they were entitled to it and would get it and I would not pay him anything to get them on. He got mad about it and testified like he did.
- Q It appears that one Laura Willis a Choctaw freedman, age about 66, appeared before a session of the Dawes Commission at Goodland, Indian Territory relative to the enrollment of George and Willie Earnest and stated that Mary Norris was the grandmother of these applicants, that she was a white woman and that Charlie Norris was the father of the applicants?
- A Charlie Norris and Mary Norris were their grand parents; she did not know what they were bringing her up there for and made a mistake.
- Q What is the present postoffice address of George Earnest?
- A The last I heard of him he was at Idabel, I. T.
- Q What is the post office address of Willie Earnest?
- A Texarkana, Arkansas.

Witness here produces a letter under date of August 24, 1906, from Willie Earnest of Texarkana, Arkansas, inquiring about her allotment in the Indian Territory, and requesting the witness to write and tell her anything she knew regarding it.

- Q Do you know one Annie Pigott of Kiowa, I. T.? A yes, sir.
- Q Is she related to you? A yes, sir, she is a sister in law; she is a sister of Andrew J. Norris, my former husband.
- Q Have either one of these applicants an attorney or representative to look after their application for enrollment? A No, sir.
- Q When did Charlie Norris, brother to your husband, Andrew J. Norris, die?
- A He had been dead some time when I was married to Andrew Norris in 1882.

In re the enrollment of George & Willie Earnest---#5--Sallie Battiest.

- Q From the respective ages of these applicants for enrollment, George and Willie Earnest, was it possible for Charlie Norris, on account of his death prior to your marriage in 1882, to have been their father?  
A No, sir.  
Q Do you know any one that could give reliable testimony as to the parents and grand parents of these applicants?  
A I do not know of any one, because the mother of these children took them down to red River County Texas when they were small; Ann Pigott of Kiowa, Indian territory, ought to know.

Witness Excused.

W. P. Covington, being duly sworn, states that the above and foregoing is a full and correct transcript of his stenographic notes taken in said case on dates set forth.

*W. P. Covington*

Subscribed and sworn to before me, this 8 day of Jan - 1907 .

Notary Public.

*Lacey P. Bobo*



7-D-588.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
George Earnest, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the Census card record in this case that on October 29, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of George Earnest and Willie Earnest as citizens by blood of the Choctaw Nation.

The record herein further shows that George Earnest was born in 1887; that Willie Earnest was born in 1889; that they are the illegitimate children of Onie Norris, now deceased, a Choctaw by blood, and that said applicants were residents in good faith of the Indian Territory on June 28, 1898.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that George Earnest and Willie Earnest are identified upon the 1896 Choctaw census roll opposite numbers 9665 and 9666, respectively, enrolled thereon as citizens by blood of the Choctaw Nation.

I am, therefore of the opinion that George Earnest and Willie Earnest, should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 17 1907

Choctaw D 588

Muskogee, Indian Territory, February 10, 1904.

Sallie Norris,

Goodland, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of George Earnest and Willie Earnest, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.



7-D-588.

Muskogee, Indian Territory, May 4, 1906.

Sallie Norris,

Goodland, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of George Earnest and Willie Earnest as citizens of the Choctaw Nation, it will be necessary that this office be furnished with evidence showing the parentage of said children. For this purpose, you are requested to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Tuesday, May 22, 1906, at nine o'clock A. M., together with such witnesses as you desire to testify in their behalf.

Respectfully,

Acting Commissioner.

7-D-588.

Muskogee, Indian Territory, May 4, 1906.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

This office has this day notified Sallie Norris of Goodland, Indian Territory, that before any further action could be taken in the matter of the application for the enrollment of George and Willie Earnest as citizens of the Choctaw Nation, it would be necessary that proof of the parentage of said children be furnished. For this purpose, she was requested to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Tuesday, May 22, 1906, at nine o'clock A. M., together with such witnesses as she desires to have testify in behalf of said applicants.

Respectfully,

Acting Commissioner.

South McAlester, Indian Territory, October 19, 1906.

Ann Pigot,

Kiowa, Indian Territory.

Dear Madam:

This Choctaw-Chickasaw Field Party No. 1, having been directed to get additional testimony as to the parentage of George and Willie Earnest, expects to see you within the next twenty days. Please advise us if you are related to these children, and how far and in what direction you live from Kiowa, Indian Territory; also whether or not upon being given notice you are able to appear in person before this party at Kiowa, Indian Territory, to testify regarding the right to enrolment of these children. This party was advised by Sallie Morris of Goodland, Indian Territory, that you could give information as to who the father and mother of George and Willie Morris were. Find enclosed self-addressed official envelope for reply.

Very respectfully,

In Charge Choctaw-Chickasaw Field Party #1.

Dec. 31, 1906; Boswell, I. T.

Sallie Norris,

(Wife of Solomon Battiest)/

Hugo, Indian Territory.

Dear Madam:

You are herein notified that Choctaw-Chickasaw Field Party No. 1 will be at Hugo, Indian Territory, for the purpose of procuring your testimony relative to the enrollment of George and Willie Earnest, Choctaw applixants for citizenship. If you are able to meet this party at Hugo, Indian Territory, at the Brader Hotel on Saturday January 5, 1907, please advise this party at once to that effect.

Very respectfully,

7-D-588.

COPY

Muskogee, Indian Territory, January 17, 1907.

George Earnest,

Idabel, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 17, 1907, granting your application and the application for enrollment of Willie Earnest as citizens by blood of the Choctaw Nation.

You are hereby advised that the name of George Earnest and Willie Earnest will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. 7-D-588 .

7-D-588.

COPY

Muskogee, Indian Territory, January 17 , 1907.

Manafield, McMurray & Gornish.

Attorneys for the Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 17, 1907, granting the application for enrollment of George Earnest and Willie Earnest as citizens by blood of the Choctaw Nation.

You are hereby advised that the name of George Earnest and Willie Earnest will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

Incl. 7-D-588.

Registered.

7-D-588.

COPY

Muskogee, Indian Territory, January 17, 1907.

Willie Earnest,

Texarkana, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 17, 1907, granting your application and the application for enrollment of George Earnest as citizens by blood of the Choctaw Nation.

You are hereby advised that the name of George Earnest and Willie Earnest will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Birby*

Commissioner.

Incl. 7-D-588.

Registered.



7-D-588.

COPY

Muskogee, Indian Territory, January 18, 1907.

Sallie Morris,

Goodland, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes on January 17, 1907, rendered his decision granting the application for the enrollment of George Earnest and Willie Earnest as citizens of the Choctaw Nation.

You are hereby advised that the name of George Earnest and Willie Earnest will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

Incl. 7-D-588.

Registered.

7-D-588.

COPY

Muskogee, Indian Territory, January 18, 1907.

Annie Pigott,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner to the Five Civilized Tribes January 17, 1907 rendered his decision granting the application for the enrollment of George Earnest and Willie Earnest as citizens of the Choctaw Nation.

You are hereby advised that the name of George Earnest and Willie Earnest will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. 7-D-588.

Registered.

REFER IN REPLY TO THE FOLLOWING:

6066.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

George Earnest,

Idabel, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior approved your enrollment as a citizen by blood of the Choctaw Nation, and your name appears upon the final roll of such citizens, opposite No. 16119.

You are now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

6066.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

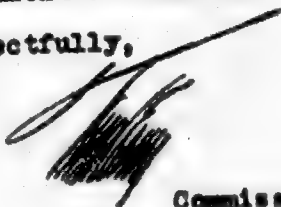
Willie Earnest,  
Texarkana, Arkansas.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior approved your enrollment as a citizen by blood of the Choctaw Nation, and your name is upon the final roll of such citizens, opposite No. 16120.

You are now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,



Commissioner.

# Oliver North: Exposed

[illegible]

Choc 6067

James William Goldston

Trans from 7-D-781 Jan 31, 1907

6067

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment  
as a citizen by intermarriage of the Choctaw Nation of --

JAMES WILLIAM GOLDSTON ---- 7-D-781.



Choctaw D-781.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., September 2, 1902.

In the matter of the application of James William Goldston for enrollment as an intermarried citizen of the Choctaw Nation.

No appearances.

James William Goldston being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James William Goldston.  
Q How old are you? A Twenty-seven.  
Q What is your post office address? A Holder.  
Q What nation is Holder in? A Chickasaw Nation.  
Q How long have you been a resident of Indian Territory? A Five years this coming January.  
Q Have you been a resident of the Chickasaw Nation all that time?  
A Yes, sir.  
Q What is the name of your father? A Charles Goldston.  
Q What is the name of your mother? A Amanda Goldston.  
Q Were both of your parents white persons? A Yes, sir.  
Q Both of them citizens of the United States? A Yes, sir.  
Q Do you now make claim for enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.  
Q What is the name of your Choctaw wife? A Estella Mayo.  
Q Is your wife a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.

The name of applicant's wife, Estella Mayo, appears upon the records of the Commission on Choctaw roll card, field number 339, having been listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes upon her identification on the 1895 Choctaw census roll of Choctaws residing in the Chickasaw district No. 8924.

- Q When were you married to your present wife? A On the 26th of August.  
Q This year? A Yes.  
Q Were you married according to the Chickasaw law? A Choctaw law.  
Q Have you evidence of your marriage with you? A I have my license.

There is offered in evidence, marked Exhibit "A", and made a part of this record in this case, marriage license issued

by the County and Probate Clerk of Blue County, Choctaw Nation, authorizing the marriage of J. W. Goldston and Miss Estella Mayo, and attached to said license is the certificate of J. A. Trickey, Minister of the Gospel, to the effect that on August 26, 1902, he united in marriage the above named parties, said license and certificate being recorded in the office of the Clerk of the County Court of Blue County on August 27, 1902.

- Q Where were you married to your Choctaw wife? A At Caddo.  
Q Is she a resident of the Choctaw Nation? A No, sir.  
Q Does she reside at the same place you do? A She is living in the Chickasaw Nation.  
Q You were married at Caddo in the Choctaw Nation? A Yes, sir.  
Q Have you ever been married before your marriage to Estella Mayo?  
A I have been married only to her before--that was under the laws of the United States.  
Q You were then married to your present wife before this marriage at Caddo? A Yes, sir.  
Q When was the former marriage? A Twentieth of April, this year.  
Q Were you married in accordance with the United States laws? A Yes, sir.  
Q Then on the 26th of August you were married under the Choctaw law to the same woman? A Yes, sir.  
Q Was your present wife ever married before her marriage to you?  
A No, sir.  
Q You have been living together as husband and wife since your marriage? A Yes, sir.  
Q There has been no separation? A No, sir.  
Q At the time of your marriage to your wife was there any legal obstacle in the way of its consummation? A Well I don't just understand that, but I don't know of any.

-----  
R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause taken on the 2nd day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Sworn and subscribed to before me this 8 day of September, 1902.

*R. B. Eisenberg*  
*Philip R. Rutter*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T., March 30, 1903.

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of James William Goldston..

James William Goldston being duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION.

- Q. What is your name? A. James William Goldston..
- Q. How old are you? A. Twenty-eight the 19th of September last.
- Q. What is your Post Office Address? A. Tl..
- Q. What Nation is that in? A. In the Choctaw Nation.
- Q. How long have you resided in the Choctaw Nation? A. Somewhere about the first of January when I came to Kiowa.
- Q. First of January, what year? A. This year.
- Q. Where did you live previous to that time? A. In the Chickasaw Nation. I moved to the Chickasaw five years this--it would be five years this going January 10th or 21st---January this year.
- Q. You lived in the Chickasaw Nation for five years previous to your-- A. Lived there all the time
- Q. You ever made your home outside of the Choctaw or Chickasaw Nation for the past five years? A. No, sir.
- Q. You are a White-man? A. Yes, sir.
- Q. Do you claim intermarried rights in the Choctaw Nation? A. Yes, sir.
- Q. What is the name of your Choctaw wife through whom you claim these rights? A. Estella Mayo.
- Q. Is she a recognized and enrolled citizen of the Choctaw Nation by blood? A. Yes, sir.
- Q. Her rights as such never been disputed? A. Yes, sir.
- Q. Do you understand my question? A. Yes, sir. I mean that her rights have never been disputed.
- Q. When were you married? A. Twenty-sixth of August.
- Q. Of what year? A. 1902.
- Q. Where was this marriage ceremony performed? A. At Caddo, at a fellows house by the name of Vaughn.
- Q. Where were you living at the time of your marriage? A. The Chickasaw Nation.
- Q. Where was your wife living? A. In the Chickasaw Nation.
- Q. You were married in the Choctaw Nation? A. Yes, sir, She was raised, born and raised in the Choctaw Nation, and moved to the Chickasaw Nation about six years ago.
- Q. Both your homes was actually in the Chickasaw Nation at the time of this marriage? A. Yes, sir.
- Q. Under what law were you married to this woman? A. Choctaw.
- Q. Did you obtain a Choctaw Tribal license? A. Yes, sir.
- Q. What was the reason for your going to the Choctaw Nation and having this marriage ceremony performed there? A. The Chickasaw License was One Thousand Dollars.
- Q. And that was your reason for going to the Choctaw Nation? A. Yes, sir, because we could get one there for One Hundred Dollars, and it would cost me One Thousand Dollars up there in the Chickasaw Nation.

7-D-781-#2.

- Q. Did you inform the Clerk in the Choctaw Nation from whom you obtained this license that you were a resident of the Chickasaw Nation? A. Yes, sir.
- Q. Did you have any trouble in getting that license? A. No, sir.
- Q. Who performed the marriage ceremony under the license? A. Parson Trickey.
- Q. Were you ever married before your marriage to this woman? A. Yes, sir.
- Q. How many times? A. One time.
- Q. What was the name of your former wife? A. I was not married to anyone besides her.
- Q. Was she ever married to any other man? A. She never was.
- Q. This is the only marriage that took place between you two? A. No, sir, two.
- Q. What was the date of the first marriage? A. Twentieth of April.
- Q. What year? A. 1902.
- Q. Under what law was that marriage ceremony performed? A. United States law.
- Q. And you re-married her in order to comply with the Tribal law? A. Yes, sir.
- Q. Since that marriage have you lived together continuously as husband and wife? A. Yes, sir.
- Q. Been no separation of any kind? A. No, sir.
- Q. She is living now? A. Yes, sir.

That is all.

William C. Bunn, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings in the above application on March 30, 1903, and that the foregoing is a true and correct translation of his stenographic notes in same to the best of his knowledge and ability.

William C. Bunn

Subscribed and sworn to before me this 30th day of March, 1903.

Charles H. Sawyer

Notary Public.

INDIAN TERRITORY.

Blue County, Choctaw Nation.

88.

I, D. E. Tolson Clerk of the County court of said county, do hereby certify  
that the foregoing instrument of writing, dated the 26 day of Aug 1897 with its Certificate of Authentication,  
was filed for record in my office the 27 day of Aug 1897 at 12 o'clock P. M., and duly recorded this  
27 day of Aug 1897 at 12 o'clock P. M., in the records of said County, in Volume 1  
on Pages 189 WITNESS my hand and seal of the county court of said county, at office in Caddo, the day  
and year last above mentioned.

D. E. Tolson  
Clerk, County Court, Blue County.

# Marriage License

FOR

*W. Goodson*

AND

*M. Castell, Mago*

*A. A. W. W.*

*clerk*

Issued

*1902*

County and Probate Clerk.

This license shall be placed in the hands of the ~~clerk~~ clerk for record within thirty days by the parties in whose favor it was issued.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 2 1902

*[Signature]* ACTING CHAIRMAN.

*7 D 781*

*Ex A. 11*

**THE CHOCTAW NATION,**  
County of Blue,

TO ANY JUDGE OF THE COUNTY OR DISTRICT COURT, REGULAR LICENSED OR ORDAINED MINISTER OF THE  
GOSPEL OF THE CHOCTAW NATION, Greeting:

You are hereby authorized to solemnize the rites of matrimony between Mr. *J. W. Goldston*  
and Miss *Estelle Mayo*..... Certifying your actions under this license.

Witness my official signature and seal of office at my office in Caddo, this *26* day of *Sept* A. D. *1902*

*A. C. Frazier*

County and Probate Clerk, Blue Co.

I *J. A. Trickey* hereby certify that on the *26* day of *Aug* A. D. *1902* I united in  
marriage Mr. *J. W. Goldston* and Miss *Estelle Mayo*, the parties above  
named.

Witness my hand this *26* day of *Aug* A. D. *1902*

*J. A. Trickey*  
Minister



In the matter of the application for the enrollment of James William Goldston, as a citizen by intermarriage of the Choctaw Nation.

- Q What is your name? A *James William Goldston*
- Q How old are you? A *28 years*
- Q What is your post office address? A *Ti, Ind. Ter.*
- Q Are you an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A *yes*
- Q If so, what is the name of your Choctaw wife through whom you claim intermarried rights? A *Estelle Mayo*
- Q When were you married to this woman? A *Aug 76 1902*
- Q Since your said marriage have you lived together continuously as husband and wife? A *yes*
- Q If there has been any separation, state the nature of the same? A *there has been no separation*

*James William Goldston*

Subscribed and sworn to before me this *24* day of *July* 1903.

*Robert H. Higgins*  
Notary Public.

7-D-781.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 26, 1907.

-----

In the matter of the application for the enrollment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES: Winfield S. Farmer, for Linebaugh Bros., attorneys at law, Atoka, Indian Territory, appears on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

-----ooOoo-----

JAMES WILLIAM GOLDSTON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A James William Goldston.  
Q How old are you? A Thirty-two.  
Q What is your post office? A Lebanon.  
Q Through whom do you claim your right to enrollment as an inter-married citizen of the Choctaw Nation? A Estella Mayo.  
Q She is a recognized citizen by blood of the Choctaw Nation?  
A Yes sir.  
Q When were you married to Estella Mayo? A 26th of August, 1902.  
Q Under what law were you married to Estella Mayo? A Choctaw law.  
Q Did you secure a license in the Choctaw Nation? A Yes sir.  
Q Who issued that license? A Bud Folsom at Caddo.  
Q What did you pay for the license? A \$100.00.  
Q Did you have a petition signed by any number of Choctaw Indians and present the same to the County Judge before you got that license? A Yes sir.  
Q How many signers did you have? A I had ten.  
Q Where were you living at the time of your marriage to Estella Mayo? A In the Chickasaw Nation.  
Q Where was Estella Mayo living? A Living in the Chickasaw Nation.  
Q How long have you lived in the Indian Territory, Mr. Goldston?  
A It is eight years to the best of my recollection, the 12th of this last January since I moved to the Chickasaw Nation; I lived in the Choctaw Nation then since I moved from the Chickasaw Nation; you see I have lived in the Choctaw three years.  
Q When you came to the Territory you located in the Chickasaw Nation, did you not? A Yes sir.  
Q After you married did you go back to the Chickasaw Nation?  
A Yes sir.

- Q How long did you live there after that? A Why, I moved down to the Choctaw somewhere about the first of December, the best I recollect, the same year, east of Kiewa.
- Q How many signers did you get to your petition? A Ten.
- Q Were they Choctaw Indians? A Yes sir, the people told me they was Choctaw Indians; the Judge said they was.

(Witness excused.)

-----

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 26th day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

*Lenora B. Ashton*

Subscribed and sworn to before me this 26th day of January, 1907.

*John E. Tidwell*  
Notary Public.

7-D-781.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

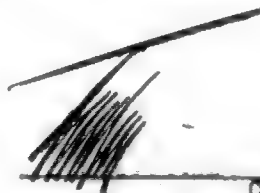
In the matter of the application for the enrollment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

-- D E C I S I O N --

It appears from the record herein that on September 2, 1902, James William Goldston, appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that on August 26, 1902, the applicant was married in accordance with the laws, customs and usages of the Choctaw Nation to Estella Mayo, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name (as Estella Goldston) appears as No. 684 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they have resided together continuously in said nation as husband and wife up to and including September 25, 1902.

I am, therefore, of the opinion that, following the decision of the Commission to the Five Civilized Tribes in the case of Whit M. Waide (7-5955), James William Goldston should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 30 1907

7-D-781

COPY

Muskogee, Indian Territory, January 30, 1907.

James William Goldston,

Lebanon, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 30, 1907, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of James William Goldston will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

7-D-781.  
Registered.

7-D-781

COPY.

Muskogee, Indian Territory, January 30, 1907.

George D. Humphreys,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 30, 1907, rendered his decision granting the application for the enrollment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of James William Goldston will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner.

7-D-781.  
Registered.

7-D-781

COPY

Muskogee, Indian Territory, January 30, 1907.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 30, 1907, rendered his decision granting the application for the enrolment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of James William Goldston will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*  
Commissioner.

7-D-781.  
Registered.



7-D-781

COPY

Muskogee, Indian Territory, January 30, 1907.

Linebaugh Brothers,  
Attorneys at Law,  
Atoka, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 30, 1907, rendered his decision granting the application for the enrollment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of James William Goldston will be placed upon the next schedule for citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

7-D-781.  
Registered.

7-D-781

COPY

Muskogee, Indian Territory, January 30, 1907.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 30, 1907, granting the application for the enrolment of James William Goldston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of James William Goldston will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*  
Commissioner.

7-D-781.  
Registered.

Chester D 751

Muskogee, Indian Territory, January 29, 1903.

James William Goldston,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication, without date, relative to your application for enrollment as a citizen by intermarriage of the Chester Nation.

In reply thereto, you will find inclosed certain interrogatories, which you are requested to properly fill out under oath, and return to this Commission as soon as possible.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 27, 1903.

James William Goldston,

Kiowa, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 781

Muskogee, Indian Territory, March 2, 1903.

James William Goldston,

Ti, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your answers to interrogatories propounded in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been filed with the record in your case.

Respectfully,

Chairman.

Choctaw D 781.

Muskogee, Indian Territory, March 24, 1903.

William Goldston,

Hi, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 15, stating that you received the notice too late to appear at the recent appointment of the Commission at Atoka, Indian Territory, but that you will appear now if necessary.

In reply to your letter you are advised that it would be advisable for you to appear before the Commission at the earliest date possible, to testify relative to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902, as until this testimony is received no further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-D 781

Muskogee, Indian Territory, November 5, 1903.

James William Goldston,  
Lebanon, Indian Territory.

Dear Sir:

Your letter of October 16, 1903, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. You ask therein to be informed the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.



Choctaw D-781.

Muskogee, Indian Territory, August 3, 1904.

J. W. Goldston,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25, in which you ask the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that the Commission is now passing upon applications for enrollment as intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, and as soon as a decision is reached in this case you will be notified of the action taken therein.

The communication of the Commission, of November 5, 1903, enclosed with your letter, is herewith returned.

Respectfully,

EA 2-3.

Commissioner in Charge.

Choctaw D 781

Muskogee, Indian Territory, October 10, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

There is inclosed you herewith plat showing land claimed by James William Goldston, an applicant for enrollment as an inter-married citizen of the Choctaw Nation whose name appears upon Choctaw card D 781. You are requested to make the proper notation of the claim of the said J. W. Goldston to the land described and notify him if such land has already been filed on or in the event application is hereafter made therefor, in order that he may institute contest. His last post office address as shown by the records of this office was Antlers, Indian Territory, July 25, 1904, the present request for reservation having been made in his behalf by W. P. Poland, of Ardmore, Indian Territory.

Respectfully,

AN 1-10

Chairman.

Choctaw D 781

Muskogee, Indian Territory, October 10, 1904.

W. P. Poland,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 4, asking the status of the citizenship of J. W. Goldston, and requesting that certain land described on plat inclosed with your letter be reserved for him.

In reply to your letter you are advised that the Commission is passing upon applications for enrollment of intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, but cannot say when the application of J. W. Goldston will be reached for consideration and determination. As soon as a decision is rendered, however, he will be notified of the action taken.

Proper notation has been made upon our records of his claim to the land described, and he will be notified in the event any other person has made application therefor, and will be permitted to appear at the land office and institute contest therefor if he so desires.

Respectfully,

Chairman.

7-D-781

Muskogee, Indian Territory, January 7, 1905.

James William Goldston,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, 1904, asking if your citizenship case has been decided.

In reply to your letter you are informed that the Commission has not up to this time passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached you will be notified of the action taken.

Respectfully,

Chairman.

7-D-781

Muskogee, Indian Territory, April 19, 1905.

J. W. Goldston,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 9, 1905, asking if further proof is necessary in the matter of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that if further evidence is necessary to enable the Commission to determine your right to enrollment as an intermarried citizen of the Choctaw Nation you will be duly notified.

Respectfully,

Chairman.

Choctaw D 781

Muskogee, Indian Territory, November 2, 1905.

G. J. Humphreys,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 27, asking the status of the application of James William Goldston for enrollment as an intermarried citizen of the Choctaw Nation, and in reply you are advised that this case is now receiving consideration, and as soon as a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Commissioner.

7-D-731

Muskogee, Indian Territory, January 15, 1906.

George D. Humphreys,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, 1906, asking the status of the application of J. W. Goldston for enrollment as an intermarried citizen of the Choctaw Nation and if there is not sufficient testimony filed in this case you can furnish all that is necessary.

In reply to your letter you are advised that the application of James William Goldston for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration but if additional testimony is necessary you will be notified.

Respectfully,

Commissioner.



7-D-781

Muskogee, Indian Territory, May 22, 1906.

George J. Humphreys,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15, 1906, asking the status of the application of James W. Goldston for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached in this case, but you and the applicant will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

7-D-781

Muskogee, Indian Territory, June 7, 1906.

James M. Goldston,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, 1906, in which you ask if your application for enrollment as an intermarried citizen of the Choctaw Nation has been taken up.

In reply to your letter you are advised that the application for your enrollment as an intermarried citizen of the Choctaw Nation is receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

17-D-781

Muskogee, Indian Territory, July 6, 1906.

Linebaugh Brothers,  
Attorneys at Law,  
Atoka, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of June 27, 1906, in which you ask the status of the application of J. W. Goldston for enrollment as an intermarried citizen of the Choctaw Nation, and if any proof is lacking in this case you desire to be advised in order that you may investigate and ascertain if the same can be secured.

In reply you are advised that the application of James William Goldston for enrollment as an intermarried citizen of the Choctaw Nation is receiving consideration, and as soon as a decision is reached you will be notified of the action taken therein. In the event further proof is necessary to enable this office to determine his right to enrollment you will be duly advised.

Respectfully,

Commissioner.

7-D-781

Muskogee, Indian Territory, June 21, 1906.

J. W. Goldston,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, 1906, asking if action has been taken in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation. You are advised that no action has yet been taken in this case.

Respectfully,

Commissioner.

7-D-781

Muskogee, Indian Territory, December 8, 1906.

J. V. Goldston,

Lebanon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 27, 1906, asking the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but you will be notified as soon as action is taken therein.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

~~T-D-781.~~

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1906.

Linebaugh Brothers,  
Attorneys at Law,  
Atoka, Indian Territory.

Gentlemen:-

Your letter of the 7th instant, addressed to the Secretary of the Interior, has been referred to this office for consideration and appropriate action.. You therein request to be advised of the present status of the application for the enrollment of James William Goldston, as a citizen by intermarriage of the Choctaw Nation, and state that your understanding is that his application has been approved by the Commissioner to the Five Civilized Tribes and is now before the Secretary of the Interior for final action.

In reply you are informed that no decision has yet been reached in this case but you will be notified of any action taken therein.

Respectfully,

*W. O. Beall*

Acting Commissioner.

7-6067

Muskogee, Indian Territory, March 27, 1907.

Linebaugh Brothers,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 11, 1907, in which you ask the status of the case of Mary M. Johnson as a Mississippi Choctaw and also the status of the case of James William Goldston an applicant for enrollment as an inter-married citizen of the Choctaw Nation.

In reply to your letter you are advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of James William Goldston as an intermarried citizen of the Choctaw Nation.

The matter of the application for the enrollment of Mary M. Johnson as a Mississippi Choctaw has been made the subject of a separate communication.

Respectfully,

Acting Commissioner.



7-6067

Muskogee, Indian Territory May 4, 1907.

Linebaugh Brothers,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 27, 1907, asking if G. J. Humphreys of Ardmore, Indian Territory, is enrolled with this office as attorney or agent and if his name appears as attorney of record in the citizenship case of J. W. Goldstan.

In reply to your letter you are advised that J. Humphreys has been admitted to practice before this office and that his name appears as attorney of record in the case of James William Goldston.

Respectfully,

Commissioner.

Choc 6068

Amanda L. Reed

See 23-891

See Pet # W-181, 182, 183, 184

See Pet # C-52

Granted Feb 14, 1907

3-11-07 Decision of Commissioner  
of Feb 14-07 reversed by Dept  
in accordance with opinion of  
Atty Gen of U.S. of Feb 19, 1907.

3-1-09 Dept requests report as to  
persons in this class.

Apr 29, 1909 Report to Dept.

Jun 1, 1909 Dept. declined to take  
action looking to enrollment of  
applicants.

Jun 10, 1909 Parties notified

8909

Choctaw Court Card      5. 103.

IN RE application of John H. Gamblin and others.

Sworn by Commissioner McKennon

John H. Gamblin says:

I have been residing continuously with my family in the Chickasaw nation for 8 years. I have never lived in the Choctaw Nation.

My daughter Amanda has been here with me until she was married. She has lived here all the while.

Amanda L. Reed is now wife of Arch Reed. She has one child; Archie Reed, born April 17th 1898.

Ardmore, Sept. 22, 1898.

John H. Gamblin  
James W. Gamblin  
Hattie L. Gamblin

enrolled.

CHOCTAW.

20

INDEXED

IN RE

Application for Enrollment of  
INFANT CHILD

Benny Gamblin

as a citizen of

Choctaw Nation

Approved JAN 4 1902 190

T. B. Needles

Commissioner.

Department of the Interior,  
Commission to the Five Civil-  
ized Tribes.

Filed Jan. 4, 1902.

Tams Bixby, Acting Chairman.

CHICTAW

5058.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cheataw Nation,  
of Benny Gamblin, born on the 9<sup>th</sup> day of Aug, 1901.  
(Here insert name of child.)  
Name of Father: James W. Gamblin a citizen of the Cheataw Nation.  
Name of Mother: Lillie Gamblin appears a citizen of the Cheataw Nation.  
Postoffice Comanche T.P.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Lillie Gamblin, on oath state that I am Nineteen  
years of age and a citizen by Intermarriage of the Cheataw Nation;  
that I am the lawful wife of James W. Gamblin, who is a citizen, by  
blood of the Cheataw Nation; that a male child was  
(Male or Female.)  
born to me on 9<sup>th</sup> day of Aug, 1901; that said child has been named  
Benny, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 21 day of December, 1901.

U. G. Wilkinson  
Notary Public.  
So Dist Ind Ter

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, J. I. Wharton, a Physician, on oath state that I  
attended on Mrs. Lillie Gamblin, wife of James W. Gamblin  
on the 9<sup>th</sup> day of Aug, 1901, that there was born to her on said date a male  
child; that said child is now living and is said to have been named Benny.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 4 day of Jan, 1902.

R. L. March  
Notary Public.

NEW BORN

199

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Benny Gamblin

as a citizen of

Choctaw Nation.

Approved..... 190...

Commissioner.

Born August 9, 1901.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jul. 24, 1906.

Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

7-5058.

JUL 12 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cheetaw Nation,  
of Benny Gamblin born on the 9<sup>th</sup> day of Aug 1901.  
(Here insert name of child)  
Name of Father: James Walter Gamblin a citizen of the Cheetaw Nation.  
Name of Mother: Lilli Gamblin a citizen of the Cheetaw Nation.  
Tribal enrollment of father: by blood Tribal enrollment of mother: intermarriage  
Postoffice: Duncan Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, Lilli Gamblin, on oath state that I am 22  
years of age and a citizen by intermarriage of the Cheetaw Nation;  
that I am the lawful wife of James Walter Gamblin, who is a citizen, by  
blood of the Cheetaw Nation; that a Male child was  
(Male or Female)  
born to me on 9 day of August 1901; that said child has been named  
Benny Gamblin and was living March 4, 1906.  
Lilli Gamblin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

E. A. Bond

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, J. I. Wharton, a Physician, on oath state that I  
attended on Mrs Lilli Gamblin wife of James Walter Gamblin  
on the 9 day of Aug 1901; that there was born to her on said date a Male  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Benny  
Gamblin

Dr. J. I. Wharton

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

E. A. Bond

Notary Public.



*Ans*  
*Wbld*

7-5058.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Benny Gamblin, as a citizen by blood of the Choctaw Nation.

-oOo-

The applicant, Benny Gamblin, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father James W. Gamblin.

The right of the applicant's father, James W. Gamblin, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case number 107 upon the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Benny Gamblin as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

JAN 23 1905

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Choctaw Court Card C. 329

IN RE application of Eliza Ann Gamblin

Sworn by Commissioner McKennon

Eliza Ann Gamblin says:

I have been living in the Chickasaw Nation for 5 or 6 years.

I claim to be 1/16 Choctaw.

Duncan, Oct. 17, 1898.

Eliza Ann Gamblin

enrolled.

Choctaw Court Card C. 330.

IN RE application of Joseph Gamblin and others.

Sworn by Commissioner McKennon.

Joseph Gamblin says:

I have been living in the Chickasaw Nation about 6 years continuously. I came from Arkansas. Emma G. is a citizen by intermarriage. I was married to get April 2nd 1895, under United States law.

Duncan, Oct. 17, 1898.

Joseph Gamblin  
Emma Gamblin  
Indianola Gamblin

enrolled.

IN THE UNITED STATES COURT, SOUTHERN DISTRICT, INDIAN TERRITORY,  
AT ARDMORE.

Emma Dorrance, :  
                  :                   #1849  
      Vs.            :                D E C R E E.  
                  :  
James Dorrance. :  
.....

This cause coming on to be heard this 22 day of March, 1895, upon the report of the Master in Chancery, which said report is by the Court confirmed and approved and exhibits filed therewith; and the plaintiff appearing by his attorneys, Wolverton and Rogers, and it appearing that the defendant had been legally summoned and failed to appear and make answer and it appearing from said Master's Report that the allegations in the plaintiff's complaint are true, and the court being fully advised in the premises,

It is therefore ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendant be, and the same are hereby dissolved, set aside and held for naught, And that the plaintiff be, and she is hereby awarded the care and custody of her minor children, Orange and Icey.

.....  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, C. M. Campbell, Clerk of the United States Court, Southern District, Indian Territory, do hereby certify that the foregoing is a true and correct copy of the Decree of Divorce in the above entitled cause, as same appears of record in my office at Ardmore, duly recorded in Journal D, page 496.

IN TESTIMONY WHEREOF, Witness my hand and official seal, this 17th day of January, 1907.

(SEAL)

C. M. CAMPBELL, Clerk.

By N. H. McCoy, Deputy.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Feb. 2, 1907.  
Tams Bixby, Commissioner.

MARRIAGE LICENSE

NO. \_\_\_\_\_

UNITED STATES OF AMERICA, ) TO ANY PERSON AUTHORIZED BY LAW  
INDIAN TERRITORY, SOUTHERN DISTRICT ) TO SOLEMNIZE MARRIAGE, GREETING;

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. Jos. Gamblin of Duncan in the Indian Territory, aged 21 years, and M Emma Dorrance of Duncan in the Indian Territory, aged 34 years, according to law; and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official Seal, this 1st day of April, A. D. 1895.

(SEAL)

J. W. Phillips,

Clerk of the United States Court.

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, SOUTHERN DISTRICT ) ss. I, G. S. Yates, a Minister,  
do hereby certify that on the 7th day of April, A. D. 1895, I did duly and according to law, as commanded in the foregoing License, solemnize the Rites and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 16th day of April A. D. 1895.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book \_\_\_\_\_, Page \_\_\_\_\_.

G. S. Yates, a Minister.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) ss.  
SOUTHERN DISTRICT. )

I, O. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, do hereby certify that the License for and Certificate of Marriage of Mr. Jos. Gamblin and Emma Dorrance were filed in my office in said Territory and District the 18 day of



April, A. D., 1895, and duly recorded in Book A of Marriage Record,  
Page 18.

WITNESS my hand and Seal of said Court, at Ardmore, this 18  
day of April, A.D., 1895.

(SEAL)

C. M. Campbell, Clerk.

INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, C. M. Campbell, Clerk of the United States Court, Southern  
District, Indian Territory, do hereby certify that the foregoing  
is a true and correct copy of the Marriage License and Certificate  
of Marriage issued to Jos. Gamblin and Emma Dorrance, as same appears  
of record in my office at Ardmore, duly recorded in Marriage License  
Record, Volume A, page 18.

IN TESTIMONY WHEREOF, Witness my hand and official seal, this  
17th day of January, 1907.

C. M. CAMPBELL, Clerk,

(SEAL)

By N. H. McCoy, Deputy.

Indorsed:

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Feb. 2, 1907.  
Tams Bixby, Commissioner.

Chickasaw Nation,  
Indian Territory.

I, James W. Gamblin, state upon oath that I am acquainted with Emma Gamblin and James Dorrance. That the Emma Dorrance mentioned in the decree of the United States Court for the Southern District of the Indian Territory, rendered on the 22d day of March, 1895, divorcing the said Emma Dorrance from James Dorrance, is the same Emma Gamblin whose application for citizenship in the Choctaw Nation is now pending before the Commissioner to the Five Civilized Tribes. That her present husband is Joseph Gamblin, who was married to her on the 7th day of April, 1895.

(Signed) James W. Gamblin.

Subscribed and sworn to before me this 17th day of January, 1907.

(Signed) Roberta Niblack,

(SEAL)

Notary Public.

Indorsed:

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Feb. 2, 1907.  
Tams Bixby, Commissioner.



some of the people who were involved in the

events of the day.

Is the one of the people who was involved in the events of the day?  
John A. Smith, who was involved in the events of the day.

Q What is your name? A John A. Smith.

Q How old are you? A Fifty-two.

Q How long have you known James W. Smith? A Twenty years.

Q You present have a marriage license issued by the clerk of the  
United States Court for the marriage of James W. Smith and  
Shelton, who was their first marriage? A Yes.

Q He claims to be a bachelor? A Yes.

Q He is married to a woman? A Yes.

Q He is now living in the same house as the woman?

Q And was at the time of his marriage? A Yes.

Q How long have you known him?

Q Twenty years? A Yes.

Q How long have you known him?

Q How long have you known him?

Lillie Gamblin, John H. Gamblin witnesses- 22

Q Did you know anything about him being in Paris? A Yes sir  
I know he was in Paris.

Q Judge Shackelford, Did you send any proof at all to get  
that certificate? A Yes sir, we had proof that we put before  
the commission.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that my official work as  
stenographer to the said Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. D. Green*

(COPY)

No. 489.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) SS.  
SOUTHERN DISTRICT. )

To Any Person Authorized by Law to Solemnize Marriage-Greeting:

You Are Hereby Commanded, To solemnize the Rite and publish the Banns of Matrimony between, Mr. Walter Gamblin, of Duncan, in the Indian Territory, aged 30 years, and Lillie Skelton, of Duncan in the Indian Territory, aged 17 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 20th day of July A.D. 1899.

C. M. Campbell,

By J. H. Wootton, Dy.

Clerk of the United States Court.

(SEAL)

CERTIFICATE OF MARRIAGE.

United States of America, )  
The Indian Territory. ) ss.  
Southern District. )

I, H. M. Wolverton, a United States Commissioner, do hereby certify, that on the 23 day of July, A.D. 1899, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named. Witness my hand this 24 day of July A.D. 1899. My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book----Page----

H. M. Wolverton,  
a United States Commissioner.

(COPY)

Endorsed on back as follows:

CERTIFICATE OF RECORD OF MARRIAGE.

United States of America.)  
The Indian Territory.     ) set.  
Southern District.         )

I, C. M. Campbell, Clerk of the United States Court in the Indian Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of Mr. Walter Grumblin and Lillie Skelton, were filed in my office in said Territory and District the 25 day of July A. D. 1899, and duly recorded in Book D of Marriage Record, page 240.

Witness my hand and seal of said Court, at Ardmore, this 25 day of July A. D. 1899.

C. M. Campbell, Clerk.

FILED  
July 25 1899 8 A.M.  
C. M. Campbell, Clerk.



7-D-430.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lillie Gamblin for  
enrollment as a citizen by intermarriage of the Choctaw Nation.

-----0-----

The applicant, Lillie Gamblin, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to James W. Gamblin.

The right of the applicant's husband James W. Gamblin, (as James Walter Gamblin) to citizenship in the Choctaw Nation, having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 25, 1904, in case No. 107, upon the Tishomingo docket of said Court, it is hereby ordered that the application of Lillie Gamblin for enrollment as a citizen by intermarriage of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

FEB 1 1905

Choctaw Court Card C. 104.

IN RE application of Amanda L. Reed and others.

Sworn by Commissioner McKennon,

(See testimony of John H. Gamblin, Choctaw Court Card 103.

Amanda L. Reed  
Archie Reed

Ardmore, Sept. 22, 1898.

Enrolled.

CHICTAW.

INDEXED.

29

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IN RE

Application for Enrollment of  
INFANT CHILD

Glenn Reed

as a citizen of

Choctaw Nation

---

Approved Jul 28 1902 190

T. B. Needles

Commissioner.

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Department of the Interior,  
Commission to the Five Civil-  
ized Tribes.

Filed Jul. 28, 1902.

Tams Bixby, Acting Chairman.

CHOCTAW

5059



*Copy*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Glenn Red, born on the 10 day of Sept, 1901  
(Here insert name of child.)  
Name of Father: A. J. Red a citizen of the United States Nation.  
Name of Mother: Amanda L. Red a citizen of the Choctaw Nation.  
Postoffice Comanche T. P.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Amanda L. Red, on oath state that I am 25  
years of age and a citizen by blood, of the Choctaw Nation;  
that I am the lawful wife of Archie J. Red, who is a citizen, by  
of the United States Nation; that a Male child was  
(Male or Female.)  
born to me on 10 day of Sept, 1901; that said child has been named  
Glenn Red, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this

17

day of

July

190

2

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, H. A. Conger, a Physician, on oath state that I  
attended on Mrs. Amanda L. Red, wife of A. J. Red  
on the 10 day of Sept, 1901; that there was born to her on said date a Male  
(Male or Female.)  
child; that said child is now living and is said to have been named Glenn

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this

19

day of

July

190

2

Notary Public.

## IN RE

Application for Enrollment of

## MINOR CHILD

Act of Congress Approved  
April 26, 1906.

Glenn Reed

as a citizen of

Choctaw

Nation.

Approved..... 190...

Commissioner.

Born Sept. 10<sup>th</sup> 1901Act of Congress approved  
April 26, 1906.Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Aug. 15, 1906.

Tams Bixby, Commissioner.

CHOCTAW

5059

RECEIVED

JUL 12 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN MY APPLICATION FOR ENROLLMENT, as a citizen of the Cheetaw Nation,  
of Glenn Red, born on the 10 day of Sept, 1901.  
[Here insert name of child]  
Name of Father: Archie J. Red a citizen of the Cheetaw Nation.  
Name of Mother: Toma Red a citizen of the Cheetaw Nation.  
Tribal enrollment of father: intermarriage Tribal enrollment of mother: by blood  
Postoffice: Duncan Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Seushan District.

I, Tama Red, on oath state that I am 29  
years of age and a citizen by blood of the Cheetaw Nation;  
that I am the lawful wife of Archie J. Red, who is a citizen, by  
intermarriage of the Cheetaw Nation; that a Male child was  
born to me on 10 day of September, 1901; that said child has been named  
Glenn Red and was living March 4, 1906.  
Tama Red

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this 10 day of July, 1906.

E. H. Bond  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Seushan District.

I, H. A. Conger, a Physician, on oath state that I  
attended on Mr. Toma Red, wife of Archie J. Red,  
on the 10 day of Sept, 1901; that there was born to her on said date a Male  
child; that said child was living March 4, 1906, and is said to have been named  
Glenn Red H. A. Conger M.D.

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this 10 day of July, 1906.

E. H. Bond  
Notary Public.

## IN RE

Application for Enrollment of

## MINOR CHILD

Act of Congress Approved  
April 26, 1906.

Archie Reed

as a citizen of

Choctaw Nation.

Approved. 190...

Commissioner.

Born Nov. 22, 1898.

Act of Congress approved  
April 26, 1906.Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Aug. 15, 1906.

Tams Bixby, Commissioner.

CHOCTAW

5059

RECEIVED

JUL 12 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Archie Reed, born on the 22 day of March, 1898.  
[Here insert name of child]  
Name of Father: Archie J. Reed a citizen of the Choctaw Nation.  
Name of Mother: Toma Reed a citizen of the Choctaw Nation.  
Tribal enrollment of father: Intermarriage Tribal enrollment of mother: By Blood  
Postoffice: .....

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Seuthon District.

I, Toma Reed, on oath state that I am 29  
years of age and a citizen by Blood of the Choctaw Nation;  
that I am the lawful wife of Archie J. Reed, who is a citizen, by  
intermarriage of the Choctaw Nation; that a female child was  
born to me on 22 day of March, 1898; that said child has been named  
Archie Reed and was living March 4, 1906.

## WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this 10 day of July, 1906.

E. H. Bond

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Seuthon District.

I, J. I. Wharton, a Physician, on oath state that I  
attended on Mrs. Toma Reed, wife of Archie J. Reed  
on the 22 day of March, 1898; that there was born to her on said date a female  
child; that said child was living March 4, 1906, and is said to have been named

Archie Reed

D. J. I. Wharton

## WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this

10

day of

July

1906.

E. H. Bond

Notary Public.

CNP  
Dm

7-5059

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Archie Reed and Glenn Reed, as citizens by blood of the Choctaw  
Nation.

-oOo-

The applicants, Archie Reed and Glenn Reed, claim the  
right to enrollment as citizens by blood of the Choctaw Nation  
through their mother, Amanda L. Reed.

The right of the applicants' mother, Amanda L. Reed to  
citizenship in the Choctaw Nation having been adversely determined  
by a decree of the Choctaw and Chickasaw Citizenship Court of  
November 28, 1904, in case number 107 upon the Tishomingo docket  
of said court, it is hereby ordered that the application for the  
enrollment of Archie Reed and Glenn Reed, as citizens by blood of  
the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

JAN 23 1905



Choctaw Court Card C. 327.

IN RE application of Mary M. Jones and others.

Sworn by Commissioner McKennon,

Mary M. Jones says:

I have been living in the Territory 5 years continuously.  
I came from Arkansas. I claim to be 1/16 Choctaw.

Mary M. Jones,

Duncan, Oct. 17, 1898.

enrolled.



Choctaw Court Card C. 99

IN RE application of Lovie F. Scott and others.

Sworn by Commissioner McKennon.

G. W. Scott says:

I came from Polk county, Arkansas and have been living in the Territory with my family 5 years. I have been living here continuously since that time. I have never lived in the Choctaw Nation.

Ardmore, Sept. 22, 1898.

Lovie F. Scott  
Hattie M. Scott  
Minnie R. Scott  
Archie M. Scott  
Glennis Scott.

enrolled.

IN RE  
Application for Enrollment of  
INFANT CHILD

Glennies Scott  
as a citizen of

Choctaw Nation

Approved 190

Commissioner.

FILED  
APR 13 1900  
COMMISSION TO THE FIVE TRIBES.

Choc.  
5064.

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

*Capt*  
IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cheetaw Nation,  
of Glennies Scott, born on the 30 day of September, 1897.  
(Here insert name of child.)  
Name of Father: G. W. Scott - Intermarried a citizen of the Cheetaw Nation.  
Name of Mother: Louis Scott a citizen of the Cheetaw Nation.  
Postoffice Comanche Tl.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, Louis Scott, on oath state that I am 25  
years of age and a citizen by Blood of the Cheetaw Nation;  
that I am the lawful wife of G. W. Scott who is a citizen, by  
Intermarriage of the Cheetaw Nation; that a Female child was  
(Male or Female.)  
born to me on 30 day of September, 1897; that said child has been named  
Glennies Scott and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9<sup>th</sup> day of September, 1900.

Geo H. Walverton  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, J. I. Wharton, a Physician, on oath state that I  
attended on Mrs. Louis Scott, wife of G. W. Scott  
on the 30 day of September, 1897; that there was born to her on said date a Female  
(Male or Female.)  
child; that said child is now living and is said to have been named Glennies Scott.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9<sup>th</sup> day of September, 1900.

Geo H. Walverton  
Notary Public.

NEW BORN

7-5054

100

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**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Glennies Scott

as a citizen of

Choctaw Nation.

---

Approved..... 190...

.....  
Commissioner.

---

Born Sept. 30, 1898.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jul. 17, 1906.  
Tams Bixby, Commissioner.

Filed with 5054.

CHOCTAW

RECEIVED

7-5054

JUL 7 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cheataw Nation,  
of Glennies Scott born on the 30 day of September, 1898.  
Name of Father: George W. Scott a citizen of the Cheataw Nation.  
Name of Mother: Louis F. Scott a citizen of the Cheataw Nation.  
Tribal enrollment of father: Cheataw Tribal enrollment of mother: Cheataw  
Postoffice: Comanche Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, Louis F. Scott on oath state that I am 32  
years of age and a citizen by blood of the Cheataw Nation;  
that I am the lawful wife of George W. Scott who is a citizen, by  
Marriage of the Cheataw Nation; that a female child was  
born to me on 30<sup>th</sup> day of September, 1898; that said child has been named  
Glennies and was living March 4, 1906.

Louis F. Scott

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of June, 1906.

J. B. Wilkinson  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, J. I. Wharton a physician, on oath state that I  
attended on Louis F. Scott wife of George W. Scott  
on the 30<sup>th</sup> day of September, 1898; that there was born to her on said date a female  
child; that said child was living March 4, 1906, and is said to have been named Glennies.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 1906.

J. B. Wilkinson  
Notary Public.

A.R.T.  
D.C.L.

7-5054.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Glennies Scott for enrollment as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 22, 1898, application was made to this Commission for the enrollment of Glennies Scott (born September 30, 1897), as a citizen by blood of the Choctaw Nation.

It does not appear from the records of the Commission that the applicant has ever been enrolled by the tribal authorities of the Choctaw Nation, neither does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, nor does it appear that she has ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It appears from the records of the Commission that on January 17, 1898, the United States Court for the Southern District of Indian Territory, in the case entitled "Walter W. Jones, et al. vs. Choctaw Nation" (Citizenship case No. 148), entered of record a judgment decreeing that (among others), the applicant herein (as Glennis Scott), and her mother, Lovie Francis Scott, be admitted to citizenship in the Choctaw Nation, and that on January 26, 1900, the said United States Court for the Southern District of Indian Territory, entered an order "nunc pro tunc" as of January 17, 1898, correcting said above mentioned judgment by striking therefrom (among others), the name of the applicant herein, Glennies Scott, (as Glennis Scott).

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

It further appears from the records of the Commission that said cause was, as to certain of the applicants therein, including the said Lovie Francis Scott, the mother of the applicant herein, duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), and that as to the said Lovie Francis Scott, (as Lovie Francis Scott, or Lovie Francis Scott) said Choctaw and Chickasaw Citizenship Court on November 28, 1904, in case No. 107 on its Tishomingo docket, entered of record a decree denying her petition for enrollment as a citizen by blood of the Choctaw Nation, and declaring that the said Lovie Francis Scott is not a citizen of said nation,



and that as to the applicant herein said Choctaw and Chickasaw Court, in and by said decree, dismissed the petition of said Glennies Scott (as Glennis Scott) for want of jurisdiction.

It is, therefore, the opinion of this Commission that Glennies Scott is not entitled to be enrolled as a citizen by blood of the Choctaw Nation, and that her application for such enrollment should be denied, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES:

Tams Bixby,  
Chairman.

T. B. Needles,  
Commissioner.

C. R. Breskinridge,  
Commissioner.

Muskogee, Indian Territory,

FEB 4- 1905.



DC. 13614-1905.  
ITD. 1958-1905.  
LRS.

(COPY).

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

LLB G.R.  
March 13, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 4, 1905, you transmitted the record of the application of Glennies Scott for her enrollment as a citizen by blood of the Choctaw Nation, including your decision dated February 4, 1904, adverse to the applicant.

February 21, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision adverse to the applicant is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Land.  
10849-1905.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

February 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation by Glennies Scott.

February 4, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has never been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

It further appears that on January 17, 1900, the United States Court, Southern District, Indian Territory, denied this applicant admission to citizenship in the Choctaw Nation and that on November 28, 1904, the Choctaw and Chickasaw Citizenship Court dismissed the applicant's petition for enrollment.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.

IN RE  
Application for Enrollment of  
INFANT CHILD

Joseph A. Scott  
as a citizen of

Choctaw Nation

Approved MAY 24 1900 190

T. B. Needles  
Commissioner.

Filed Apr. 13, 1900,  
Commission to Five Tribes.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Joseph A. Scott, born on the 3<sup>rd</sup> day of December, 1899.  
(Here insert name of child.)  
Name of Father: G. W. Scott Intermarried a citizen of the Choctaw Nation.  
Name of Mother: Louis Scott a citizen of the Choctaw Nation.  
Postoffice Comanche I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Louis Scott, on oath state that I am 25  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of G. W. Scott, who is a citizen, by  
intermarriage of the Choctaw Nation; that a Male child was  
(Male or Female.)  
born to me on 3<sup>rd</sup> day of December, 1899; that said child has been named  
Joseph A. Scott, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9<sup>th</sup> day of April, 1900.

James H. Walton  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, J. P. Wharton, a Physician, on oath state that I  
attended on Mrs. Louis Scott, wife of G. W. Scott,  
on the 3<sup>rd</sup> day of December, 1899; that there was born to her on said date a Male  
(Male or Female.)  
child; that said child is now living and is said to have been named Joseph A. Scott.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9<sup>th</sup> day of April, 1900.

James H. Walton  
Notary Public.

NEW BORN

7-5054

199

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**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved

April 26, 1906.

..... Joseph A. Scott .....

as a citizen of

..... Choctaw .....

Nation.

---

Approved..... 190...

.....  
Commissioner.

---

Born Dec. 3, 1900.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jul. 17, 1906.

Tams Bixby, Commissioner.

Filed with 7-5054.

CHOCTAW.

RECEIVED.

7-5054.

JUL 7 1906.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Joseph A. Scott born on the 3 day of December, 1900.  
Name of Father: George W. Scott a citizen of the Choctaw Nation.  
Name of Mother: Louis J. Scott a citizen of the Choctaw Nation.  
Tribal enrollment of father: Choctaw Tribal enrollment of mother: Choctaw  
Postoffice: Comanche Ind Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Seithen District. }

I, Louis J. Scott, on oath state that I am 32 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of George W. Scott, who is a citizen, by Marriage, of the Choctaw Nation; that a Male child was born to me on the 3<sup>rd</sup> day of December, 1900; that said child has been named Joseph A. and was living March 4, 1906.  
Louis J. Scott

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 1906.

J. B. McKinson  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Seithen District. }

I, J. I. Wharton, a Physician, on oath state that I attended on Louis J. Scott, wife of George W. Scott, on the 3<sup>rd</sup> day of December, 1900; that there was born to her on said date a Male child; that said child was living March 4, 1906, and is said to have been named Joseph A. Scott.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 1906.

J. B. McKinson  
Notary Public.

CHOCTAW

20

IN RE

Application for Enrollment of

INFANT CHILD

James I. Scott

as a citizen of

CHOCTAW Nation

Approved OCT 30 1902 190

C. R. Breckinridge

Commissioner.

Department of the Interior,  
Commission to the Five Civil-  
ized Tribes.

Filed Oct. 30, 1902.

Tams Bixby, Acting Chairman.

CHOCTAW

5054



**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

*Copied*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of James I. Scott, born on the 8<sup>th</sup> day of September, 1902.  
Name of Father: George W. Scott a citizen of the Choctaw Nation.  
Name of Mother: Louie F. Scott a citizen of the Choctaw Nation.  
Postoffice Comanche Ind Ter

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, Louie F. Scott, on oath state that I am 28  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of George W. Scott, who is a citizen, by  
Marriage of the Choctaw Nation; that a Male child was  
(Male or Female.)  
born to me on 8<sup>th</sup> day of September, 1902; that said child has been named  
James I., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Seal*

Subscribed and sworn to before me this 28 day of October, 1902.  
my Commission expires Feb 4 1905.  
J. B. Wilkinson  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, J. H. Lingy, a Physician, on oath state that I  
attended on Mrs. Louie F. Scott, wife of George W. Scott  
on the 8<sup>th</sup> day of September, 1902; that there was born to her on said date a Male  
(Male or Female.)  
child; that said child is now living and is said to have been named James I.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Seal*

Subscribed and sworn to before me this 28 day of October, 1902.  
J. B. Wilkinson  
Notary Public.

NEW BORN 7-5054

100

---

**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

..... James I. Scott .....

as a citizen of

..... Choctaw ..... Nation.

---

Approved..... 190....

.....  
Commissioner.

---

Born Sept. 8, 1902.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jul. 17, 1906.

Tams Bixby, Commissioner.

Filed with 5054

CHOCTAW

RECEIVED

7-5054

JUL 7 1906

**DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN BE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of James I. Scott born on the 8<sup>th</sup> day of September, 1902  
(May insert name of child)  
Name of Father: George W. Scott a citizen of the Choctaw Nation.  
Name of Mother: Louis F. Scott a citizen of the Choctaw Nation.  
Tribal enrollment of father: Choctaw Tribal enrollment of mother: Choctaw  
Postoffice: Comanche Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Seventh District.

I, Louis F. Scott on oath state that I am 32  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of George W. Scott, who is a citizen, by  
Marriage of the Choctaw Nation; that a Male child was  
(Male or Female)  
born to me on 8<sup>th</sup> day of September, 1902; that said child has been named  
James I. and was living March 4, 1906.  
Louis F. Scott.

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 1906.

J. B. Wilkinson  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Crawford County District.

I, J. H. Linzy a Physician on oath state that I  
attended on Louis F. Scott wife of George W. Scott  
on the 8<sup>th</sup> day of September, 1902; that there was born to her on said date a Male  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named  
James I. Scott.  
J. H. Linzy.

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this 19 day of June, 1906.

J. H. Stonie  
Notary Public.  
My com expires Feb 2-1908.

860  
7-5084.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Joseph A. Scott and James I. Scott as citizens by blood of  
the Choctaw Nation.

-----000-----

The applicants, Joseph A. Scott and James I. Scott,  
claim the right to enrollment as citizens by blood of the  
Choctaw Nation through their mother Lovie F. Scott.

The right of the applicants' mother, Lovie F.  
Scott (as Lovie Francis Scott or Lovie Francis Scott), to  
citizenship in the Choctaw Nation having been adversely  
determined by a decree of the Choctaw and Chickasaw Citizen-  
ship Court, of November 28, 1904, in case No. 107 upon the  
Tishomingo docket of said court, it is hereby ordered that  
the application of Joseph A. Scott and James I. Scott for  
enrollment as citizens by blood of the Choctaw Nation be dis-  
missed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

JAN 23 1905

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation.

Approved 190

Commissioner.

CHOC-CHIC. ENROLLMENT.

7-D-430.

May 2 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chectaw Nation,  
of Fred Gamblin, born on the 18 day of November, 1903.  
(Here insert name of child.)  
Name of Father: James Walter Gamblin a citizen of the Chectaw Nation.  
Name of Mother: Lillie Gamblin a citizen of the Chectaw Nation.  
Postoffice: Duncan Ind Ter

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, Lillie Gamblin, on oath state that I am 22  
years of age and a citizen by intermarriage of the Chectaw Nation;  
that I am the lawful wife of James Walter Gamblin, who is a citizen, by  
blood of the Chectaw Nation; that a Male child was  
(Male or Female.)  
born to me on 18 day of November, 1903; that said child has been named  
Fred Gamblin, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 28 day of April, 1905.

E. H. Bond

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, J. T. Harton, a Physician, on oath state that I  
attended on Mrs. Lillie Gamblin, wife of James Walter Gamblin  
on the 18 day of November, 1903; that there was born to her on said date a Male  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named Fred Gamblin.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 26 day of April, 1905.

E. H. Bond

Notary Public.

NEW BORN

100

#996

IN RE

Application for Enrollment of



**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

..... Fred Gamblin .....

as a citizen of

..... CHOCTAW ..... Nation.

Approved..... 190...

.....  
Commissioner.

Born Nov. 19, 1903.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Jul. 24, 1906.  
Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

N.B. 996.

Jul 12 1906



**DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

*Copy*

IN RE AFFIDAVIT FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Fred Gamblin born on the 19 day of Nov 1903  
Name of Father: James Waster Gamblin a citizen of the Choctaw Nation.  
Name of Mother: Lillie Gamblin a citizen of the Choctaw Nation.  
Tribal enrollment of father: by blood Tribal enrollment of mother: intermarriage  
Postoffice: Hummeran Ind. Ter

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, Lillie Gamblin, on oath state that I am 22  
years of age and a citizen by intermarriage of the Choctaw Nation;  
that I am the lawful wife of James Waster Gamblin, who is a citizen, by  
blood of the Choctaw Nation; that a Male child was  
born to me on 19 day of November 1903; that said child has been named  
Fred Gamblin and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

E. H. Bond

Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.**

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, J. I. Wharton, a Physician, on oath state that I  
attended on Mrs. Lillie Gamblin, wife of James Waster Gamblin,  
on the 19 day of Nov 1903; that there was born to her on said date a Male  
child; that said child was living March 4, 1906, and is said to have been named

Fred Gamblin

J. I. Wharton

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this

10

day of

July

Notary Public.

NEW BORN # 957 .

199

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

..Roy. Scott.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....  
Commissioner.

Born June 8 1905.

Act of congress approved April 26 1906.

Department of the Interior  
Commissioner to the Five Civilized Tribes.

FILED May 21 1906.

(Signed) Tamm Bixby Commissioner

Choctaw N.B.957.

Received May 15, 1906.

**DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,  
of Roy Scott....., born on the 8th.....day of.....June.....1905.  
[Here insert name of child]  
Name of Father: George W. Scott.....a citizen of the.....Choctaw.....Nation.  
Name of Mother: Lovie F. Scott.....a citizen of the.....Choctaw.....Nation.  
Tribal enrollment of father Choctaw.....Tribal enrollment of mother Choctaw.....  
Postoffice Comanche Ind. Ter.....

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, Indian Territory, }  
Southern.....District. }

I,.....Lovie F. Scott.....on oath state that I am.....32.....  
years of age and a citizen by.....Blood.....of the.....Choctaw.....Nation;  
that I am the lawful wife of.....George W. Scott....., who is a citizen, by  
Marriage.....of the.....Choctaw.....Nation; that a.....male.....child was  
born to me on 8th.....June.....June.....1905; that said child has been named  
Roy Scott.....and was living March 4, 1906.

.....Lovie F. Scott.....

**WITNESSES TO MARK:**

[Must be Two  
Witnesses]

Subscribed and sworn to before me this.....14th.....day of.....May.....1906.

((SEAL))

.....J. B. Wilkinson.....  
Notary Public

**AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.**

UNITED STATES OF AMERICA, Indian Territory, }  
Southern.....District. }

I,.....C. H. Howell.....a Physician.....on oath state that I  
attended on.....Lovie F. Scott.....wife of.....George W. Scott.....  
on the 8th.....day of.....June.....1905; that there was born to her on said date a.....male.....  
child; that said child was living March 4, 1906, and is said to have been named.....  
Roy.....

.....Dr C. H. Howell.....

**WITNESSES TO MARK:**

[Must be Two  
Witnesses]

Subscribed and sworn to before me this.....14.....day of.....May.....1906.

((SEAL))

.....J. B. Wilkinson.....  
Notary Public

IN RE

Application for Enrollment of  
INFANT CHILDWilliam D. Skelton  
as a citizen of

Choctaw Nation

Approved 190

Commissioner.

Born July 27, 1903.

Received

APR 6 1903.

CHOCTAW

5058

## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
 of William D. Skerton, born on the 27 day of Jan, 1903  
 (Here insert name of child.)  
 Name of Father: James W. Skerton a citizen of the United States Nation  
 Name of Mother: Hattie Louisa Skerton (nee Gambelin) a citizen of the Choctaw Nation.  
 Postoffice Comanche Ind Ter.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Hattie Louisa Skerton (nee Gambelin), on oath state that I am Twenty Four  
 years of age and a citizen by Blood of the Choctaw Nation;  
 that I am the lawful wife of James W. Skerton, who is a citizen, by  
 of the United States Nation; that a Male child was  
 (Male or Female.)  
 born to me on 27 day of Jan, 1903; that said child has been named  
William D., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Deal*

Subscribed and sworn to before me this 27 day of Jan, 1903.

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, W. H. Montgomery, a Physician, on oath state that I  
 attended on Mrs. Hattie Skerton (nee Gambelin), wife of James W. Skerton  
 on the 27 day of Jan, 1903; that there was born to her on said date a  
 (Male or Female.)  
 child; that said child is now living and is said to have been named William D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Deal*

Subscribed and sworn to before me this 26 day of March, 1903.

Notary Public.

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
 of William D. Skerton, born on the 27 day of Jan, 1903  
 (Here insert name of child.)  
 Name of Father: James W. Skerton a citizen of the United States Nation  
 Name of Mother: Hatti Louisa Skerton (ne Gambler) a citizen of the Choctaw Nation.  
 Postoffice Comanche Ind Ter.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Hatti Louisa Skerton (ne Gambler), on oath state that I am Twenty Four  
 years of age and a citizen by Blood of the Choctaw Nation;  
 that I am the lawful wife of James W. Skerton, who is a citizen, by  
 of the United States Nation, that a Male child was  
 (Male or Female.)  
 born to me on 27 day of Jan, 1903; that said child has been named  
William D., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Deal*

Subscribed and sworn to before me this 27 day of Jan, 1903.

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, W. H. Montgomery, a Physician, on oath state that I  
 attended on Mrs. Hatti Skerton (ne Gambler), wife of James W. Skerton  
 on the 27 day of Jan, 1903; that there was born to her on said date a  
 (Male or Female.)  
 child; that said child is now living and is said to have been named William D.  
W. H. Montgomery.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Deal*

Subscribed and sworn to before me this 26 day of March, 1903.

Notary Public.



NEW BORN

933

217

IN RE

Application for Enrollment of  
INFANT CHILD

William Deral Skelton

as a citizen of

Choctaw

Nation.

Approved

190

Commissioner.

Born Jan. 27, 1903.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Aug. 16, 1906.

Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

N.B. 933.

JUL 23 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of William Deras Skerton, born on the 27 day of January, 1903  
(Here insert name of child.)  
Name of Father: James H. Skerton a citizen of the United States Nation.  
Name of Mother: Hattie Levenia Skerton (ne Gambler) a citizen of the Choctaw Nation.  
Postoffice: Comanche Ind Ter.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Sevier DISTRICT.

I, Hattie Levenia Skerton, on oath state that I am 26  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of James H. Skerton, who is a citizen, by  
of the United States Nation; that a male child was  
(Male or Female.)  
born to me on 27<sup>th</sup> day of January, 1903; that said child has been named  
William Deras Skerton, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 1906.

W. H. Admire  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

Territory of New Mexico  
UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
County of Alamosa DISTRICT.

I, W. H. Montgomery, a Physician, on oath state that I  
attended on Mrs. Hattie Levenia Skerton, wife of James H. Skerton  
on the 27 day of January, 1903; that there was born to her on said date a male  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named William Deras Skerton.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16<sup>th</sup> day of July, 1906.

W. D. McPhee  
Notary Public.

## IN RE

Application for Enrollment of  
INFANT CHILD

Icy Skelton

as a citizen of

Choctaw

Nation.

Approved 190

Commissioner.

Born Nov. 13, 1904.

Act of Congress approved  
April 26, 1906.Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed May 11, 1906.

Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

N.B.933

MAY 1 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*  
IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Jey Sketon, born on the 13 day of November, 1904.  
(Here insert name of child.)  
Name of Father: James W. Sketon, a citizen of the United States Nation.  
Name of Mother: Hatti Levina Sketon, a citizen of the Choctaw Nation.  
Postoffice Comanche 29.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Hatti Levina Sketon, on oath state that I am 24  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of James W. Sketon, who is a citizen, by  
of the United States Nation; that a Female child was  
(Male or Female.)  
born to me on 13 day of November, 1904; that said child has been named  
Jey Sketon, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28 day of April, 1905.

E. H. Bond

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, J. P. Wharton, a Physician, on oath state that I  
attended on Mrs. Hatti Levina Sketon, wife of James W. Sketon  
on the 13 day of November, 1904; that there was born to her on said date a Female  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named Jey Sketon.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28 day of April, 1905.

E. H. Bond

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re Application for enrollment, as a citizen of the Choctaw Nation of Icy Skelton born on the 13 day of Oct. 1904.

Name of father, James W. Skelton a citizen of the United States.

Name of mother Hattie Lovenia Skelton (nee Gamblin) a citizen of the Choctaw Nation.

AFFIDAVIT OF MOTHER.

United States of America, )

Indian Territory, )

Southern District )

I Hattie Lovenia Skelton, on oath state that I am 26 years of age and a citizen by blood of the Choctaw Nation, that I am the lawful wife of James W. Skelton who is a citizen of the United States: that a female child was born to me on The 13 day of Oct. 1904, that said child has been named Icy Skelton and was living March 4th 1905.

Hattie Lovenia Skelton.

Subscribed and sworn to before me on this the 5th day of July 1906.

W. H. Admire,

(SEAL)

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

Territory of New Mexico)

County of Roosevelt )

I J. T. Whorton a Physician on oath state that I attended on Mrs. Hattie Lovenia Skelton, wife of James W. Skelton on the 13 day of October 1904, that there was born to her on said date a female child; that said child was living March 4th 1905, and is said to have been named Icy Skelton.

Dr. J. T. Whorton.

Subscribed and sworn to before me on this the 5th day of July 1906.

W. H. Admire,

(SEAL)

Notary Public.

My commission expires Nov. 17, 1907.

Indorsed:

NEW BORN #933.

In Re  
Application for Enrollment  
of Infant Child,  
Icy Skelton  
as a citizen of Choctaw Nation.

Approved \_\_\_\_\_.

Born Oct. 13, 1904.

Commissioner.

Act of Congress approved April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Jul. 17, 1906.  
Tams Bixby, Commissioner.

Choctaw N. B. 933.

Received Jul. 6- 1906.

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IN RE  
Application for Enrollment of  
INFANT CHILD

.....  
as a citizen of

..... Nation.  
.....

Approved ..... 190.....

.....  
Commissioner.  
.....



## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
 of Anna Kuler Reed, born on the 31 day of Oct, 1903  
 (Here insert name of child.)  
 Name of Father: Archie J. Reed a citizen of the United States Nation.  
 Name of Mother: Amanda L. Reed a citizen of the Choctaw Nation.  
 Postoffice Duncan St.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Amanda L. Reed, on oath state that I am 28  
 years of age and a citizen by Marriage, of the Choctaw Nation;  
 that I am the lawful wife of Archie J. Reed, who is a citizen, by  
 of the United States Nation; that a Female child was  
 (Male or Female.)  
 born to me on 31 day of Oct, 1903; that said child has been named  
Anna Kuler Reed, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two  
 Witnesses)

Subscribed and sworn to before me this 28 day of April, 1905.

R. M. Gamblin  
 Notary Public.

my Commission expires  
April 18-1908.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, E. L. Dawson, a physician, on oath state that I  
 attended on Mrs. Amanda L. Reed, wife of Archie J. Reed  
 on the 31<sup>st</sup> day of October, 1903; that there was born to her on said date a Female  
 (Male or Female.)  
 child; that said child was living March 4, 1905, and is said to have been named Anna Kuler Reed

WITNESSES TO MARK:

(Must be Two  
 Witnesses)

Subscribed and sworn to before me this 1<sup>st</sup> day of May, 1905.

W. E. Matney  
 Notary Public.

NEW BORN

190 891

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Anna Kehla Reed

as a citizen of

Choctaw Nation.

Approved..... 190...

Commissioner.

Born Oct. 31<sup>st</sup> 1903.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Aug. 15, 1906.  
Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

N.B.891.

JUL 12 1906.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Annie Kehla Red born on the 31 day of Oct 1903.  
[Here insert name of child]  
Name of Father: Archie J. Red a citizen of the Choctaw Nation.  
Name of Mother: Toma Red a citizen of the Choctaw Nation.  
Tribal enrollment of father: intermarriage Tribal enrollment of mother: Choctaw  
Postoffice: Juanan Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Southern District.

I, Toma Red on oath state that I am 29  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of Archie J. Red who is a citizen, by  
intermarriage of the Choctaw Nation; that a Female child was  
born to me on 31 day of Oct 1903; that said child has been named  
Annie Kehla Red and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

E. H. Bond  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Southern District.

I, Ann Gamblin a Midwife on oath state that I  
attended on Mrs. Toma Red wife of Archie J. Red  
on the 31 day of Oct 1903; that there was born to her on said date a Female  
child; that said child was living March 4, 1906, and is said to have been named  
Annie Kehla Red Olga Ann Gamblin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

E. H. Bond  
Notary Public.

NEW BORN

891

188

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**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

...Joseph Rexford Read.....

as a citizen of

.....Choctaw..... Nation.

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Approved..... 190...

.....  
Commissioner.

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Born May 29" 1905.

Act of Congress approved  
April 26, 1906.

Department of the Interior,  
Commissioner to the Five Civil-  
ized Tribes.

Filed Aug. 15, 1906.

Tams Bixby, Commissioner.

CHOCTAW

RECEIVED

NB.891

JUL 12 1906

## DEPARTMENT OF THE INTERIOR,

## COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
 of Joseph Rexford Red, born on the 29 day of May 1905  
 [Here insert name of child]  
 Name of Father: Archie J. Red a citizen of the Choctaw Nation.  
 Name of Mother: Soma Red a citizen of the Choctaw Nation.  
 Tribal enrollment of father intermarriage Tribal enrollment of mother by blood  
 Postoffice: Auncan Ind Ter

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory.

Southern District.

I, Soma Red on oath state that I am 29  
 years of age and a citizen by blood of the Choctaw Nation;  
 that I am the lawful wife of Archie J. Red, who is a citizen, by  
intermarriage of the Choctaw Nation; that a Male child was  
 (Male or Female)  
 born to me on 29 day of May 1905; that said child has been named  
Joseph Rexford Red and was living March 4, 1906.  
Soma Red

## WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.  
E. H. Bond

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory.

Southern District.

I, W. T. Newell a Physician, on oath state that I  
 attended on Mrs. Soma Red wife of Archie J. Red  
 on the 29 day of May 1906; that there was born to her on said date a Male  
 (Male or Female)  
 child; that said child was living March 4, 1906, and is said to have been named  
Joseph Rexford Red.

## WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.  
E. H. Bond

Notary Public.

(COPY-DeB)  
(Registry receipt attached here)

Adams, Indian Territory.

January 16, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your petitioners, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, ~~John Gamblin~~, Orange Dorrance and Icy Dorrance, respectfully state that they are members of the Choctaw Tribe of Indians.

In the year 1896 all of said petitioners were duly enrolled as members of the Choctaw Tribe of Indians by blood, by the Board of Census Commissioners of the Choctaw Nation, appointed in accordance with an Act of the General Council of the Choctaw Nation, passed at a regular session of said Council in the year 1896. All of said petitioners are residents of the Chickasaw Nation Indian Territory.

They therefore respectfully pray that they may be re-enrolled as members of the Choctaw Tribe of Indians.

(Stamped) Grune, Cruse & Blackmore.

Attorneys for Petitioners.

(SEAL)

I, Emma Gamblin, state upon oath that the statements made in the foregoing petition are true.

Emma Gamblin.

Subscribed and sworn to before me this 16 day of January, 1906.

Robert H. Stelack,  
Notary Public.

(Signed)

Joseph W. Gamblin, et al. Application for Choctaw Citizenship.  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JAN 20 1906

James H. Cox, Commissioner.



Indian Territory, )  
Southern District, )

The affiant, W.I. Cruce, says that he is over twenty one years of age, and that he on the 16th day of February, 1906, placed in the office at Ardmore, a letter registered to Mansfield, McMurray & Cornish containing a true copy of the one hereto attached, and that said letter was addressed to Mansfield, McMurray & Cornish, at South McAlester, Indian Territory, and that said registered letter was numbered 853.

W.I. Cruce.

Subscribed and sworn to before me this the 16th day of Feb. 1906.

SEAL.

Reberta Niblack

Notary Public.

My Commission expires June 28, 1908.



(COPY-DoB)

## DEPARTMENT OF THE INTERIOR.

In Re

John H. Gambelin and

Eliza Ann Gamblin

P E T U T I O N

Your petitioners, J. H. Gamblin and

Your petitioners further allege that they made due

Wherefore, your petitioners pray that they be enrolled

Gilbert and Bond.

Attorneys for petitioners.

## Indian Territory

Southern District.

John H. Gamblin, being first duly sworn, upon his oath deposes and says that he is one of the petitioners above named; that he knows the contents of the foregoing petition; and that the matters and things therein set forth are true and correct.

John H. Gamblin,

(SRAL)

(SRAL)  
Subscribed and sworn to before me this 15th day of Feb. 1906.  
Robert H. Black.

John H. Gamblin,

5th day of Feb. 1906.

Roberts Hiblack.

Notary Public.

My commission expires June 28, 1908.

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

(Registry receipt attached here)

DEPARTMENT OF THE INTERIOR.

In Re

Application of Joseph Gamblin

John H. Gamblin, Anna Gamblin, Emma Gamblin, Indianola Gamblin, Walter Gambler, Amandy Gamblin, Hattie Gamblin ~~Orange~~ Amandy Lutoma ~~xxxxxxx~~ Reed, nee Gamblin, Lovie Scott, Hattie Myrtle Scott, Minnie Roberta Scott, and Archy McCoy Scott and Mary Melinda Jone for enrollment as members of the Choctaw tribe or Nation of Indians.

Motion to reopen and Reconsider Action Dismissing Application of and refusing to enroll Applicants.

To the Honorable, the Secretary of the Interior, and the Commissioner to the Five Civilized Tribes:

Your petitioners, John H. Gamblin, Anna Gamblin, Joseph Gamblin, ~~Emma~~ Gamblin, Indianola Gamblin, Walter Gamblin, Amanda Gamblin, Hattie Gamblin, Amanda Lutoma Reed, Nee Gamblin, Lovie Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Archy McCoy Scott and Mary Melinda Jones, respectfully represent and show that they are citizens and members of the Choctaw tribe or Nation of Indians and that they and each of them within the time prescribed by law applied to the Commission to the Five Civilized Tribes for enrollment as citizens and members of the said Choctaw Tribes of Indians. That said Commission heard said application and these petitioners were by said Commission denied citizenship and enrollment as members of said tribe; that thereafter and within the time prescribed by law an appeal from the action of the said Commission was duly taken and perfected to the United States Court in the Indian Territory; that thereafter, in the United States Court in the Indian Territory, upon said appeal, a full, complete and final hearing was had and the said court therein adjudged and decreed these petitioners to be citizens and members of the said Choctaw tribes of Indians and ordered and directed the said Commission to the Five Civilized Tribes to place the names of these petitioners upon the tribal rolls of said Choctaw tribe or Nation; a copy of which said judgment is now on file as a part of the records of the Commission to the Five Civilized Tribes.

That thereafter an appeal was taken by the said Choctaw Nation from said Judgment to the Supreme Court of the United States wherein said appeal was heard and the supreme Court of the United States affirmed said judgment of the United States Court in the Indian Territory adjudging these petitioners to be citizens and members of the said Choctaw tribe of Indians and directing said ~~xxxxxxx~~ Commission to place their names upon said tribal roll; the mandate of said Supreme Court of the United States in said cause being now on file as a part of the records of the Commissioner to the Five Civilized Tribes.

That thereafter, without authority of law, the said Commission to the Five Civilized Tribes, disregarding said judgment of the United States Court in the Indian Territory and the Supreme Court of the United States dismissed the application of these petitioners for enrollment as members of the said Choctaw tribe of Indians and refused to place their names upon said tribal rolls.

Wherefore, premises considered, petitioners move that the matter of the application of the petitioners for enrollment be reopened, reconsidered and reheard to the end that upon a rehearing of the same they be duly enrolled as members of the said Choctaw Tribes or Nation of Indians.

Respectfully submitted,

Gilbert & Bond,  
Attys. for Petitioners.

I, J. H. Gamblin, being duly sworn on oath state I am one of the petitioners in the above and foregoing application and that the several matters and things therein set forth are true,  
John H. Gamblin.

(SEAL)

Subscribed and sworn to before me this the 2nd day of March, 1906.

E. H. Bond,  
Notary Public.

Indian Territory,  
Souther District.

I, E. H. Bond, upon my oath state that I am of lawful age; that I delivered to the postmaster at Duncan, Indian Territory, for registration a letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the registry receipt and make the same a part of this affidavit.

E. H. Bond.

Subscribed and sworn to before me this the 2nd day of March, 1906.

W. J. Skaggs,  
Notary Public.

(SEAL)

No. 96.  
John H. Gamblin, et al.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FILED

MAR 6 1906.

Tams Bixby, Commissioner.

Gilbert & Bond, Attys.  
Duncan, I. T.

DEPARTMENT OF THE INTERIOR.

Amended Motion.

In Re

Application of Joseph Gamblin  
John H. Gamblin, Anna Gamblin, Emma Gamblin, Indianola Gamblin  
Walter Gamblin, Amanda Gamblin, Hattie Gamblin, Amandy Lutoma Reed nee  
Gamblin, Lovie Scott, Hattie Myrtle Scott, Minnie Roberta Scott,  
Archy McCoy Scott, and Mary Melinda Jones for enrollment as  
members of the Choctaw Tribe or Nation of Indians.

Amended Motion to reopen and to Reconsider Action dismissing  
Application of and refusing to enroll applicants.

To the Honorable, the Secretary of the Interior, and the  
Commissioner to the Five Civilized Tribes.

Your petitioners, John H. Gamblin, Anna Gamblin, Joseph Gamblin, Emma Gamblin, Indianola Gamblin, Walter Gamblin, Amanda Gamblin, Hattie Gamblin, Amanda Lutoma Reed, nee Gamblin, Lovie Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Archy McCoy Scott, Mary Melinda Jones, respectfully represent and show that they are citizens and members of the Choctaw Tribes or Nation of Indians, and they and each of them within the time prescribed by law applied to the Commission to the Five Civilized Tribes for enrollment as citizens and members of the said Choctaw tribe of Indians. That the said commission heard said application and these petitioners were by said Commission denied citizenship and enrollment as members of the said tribe; that thereafter and within the time prescribed by law an appeal from the action of said Commission was duly taken and perfected to the United States Court in the Indian Territory; that thereafter in the United States Court in the Indian Territory, upon said appeal, a full, complete and final hearing was had, and the said court therein adjudged and decreed these petitioners each and all to be citizens and members of the said Choctaw tribe of Indians, and ordered and directed the said Commission to the Five Civilized Tribes to place the names of these petitioners upon the tribal roll of the said Choctaw tribe or Nation. A copy of its said judgment is now on file as a part of the record of the Commission to the Five Civilized Tribes.

That thereafter an appeal was taken by the said Choctaw Nation from said judgment to the Supreme Court of the United States wherein said appeal was heard and the Supreme Court of the United States affirmed said judgment of the United States Court in the Indian Territory, adjudging these petitioners to be citizens and members of said Choctaw Tribes of Indians and directing said Commission to place their names upon said tribal roll; the mandate of said Supreme Court of the United States in said cause being now on file as a part of the records of the Commission to the Five Civilized Tribes.

That at the time of all the actions hereinbefore mentioned your petitioners had been duly enrolled by the Board of Commissioners appointed by the Choctaw Council, known as the Choctaw Revisory Board. That your petitioners had filed, within the time prescribed by law, to wit, on the 30 day of July, 1896, an application with the Choctaw Council for enrollment as Choctaw citizens. That the Choctaw Revisory Board in acting upon said application declared your applicants to be members of the Choctaw tribes



or Nation of Indians and that their names appear as duly enrolled citizens upon the citizenship roll No. One (1), now in possession of the Commissioner of the Five Civilized Tribes. That at the time of the application of your applicants to the Commission to the Five Civilized Tribes in 1896 and at the time of the rendition of the judgment of the United States Court and at the time of the rendition of the judgment of the Choctaw and Chickasaw Citizenship Court your petitioners were all duly enrolled citizens of the Choctaw Nation and said citizenship Court was without authority, under the laws and decisions rendered by the Interior Department to determine their tribal status. That afterwards, without authority of law, the said Commission to the Five Civilized Tribes refused to recognize the rights of these applicants as citizens of the Choctaw Tribes of Indians and refused to place their names upon the final tribal rolls.

Wherefore, premises considered, petitioners move that the matter of the application of these petitioners for enrollment be reopened, reconsidered and reheard to the end that upon a rehearing of the same they may be duly enrolled as members of the said Choctaw Tribes or Nation of Indians.

Respectfully submitted.

W. I. Gilbert,  
Attorney for Petitioners.

I, J. H. Gamblin, being duly sworn on oath state that I am one of the petitioners in the above and foregoing application and that the several matters and things therein set forth as true.

John H. Gamblin.

Subscribed and sworn to before me this 3 day of September, 1906.

R. H. Bond,  
Notary Public.

(SEAL)

(Registry receipt attached here)

Indian Territory,  
Southern District.

I, Roberta Niblack, upon my oath state that I am of lawful age; that I delivered to the the postmaster at Ardmore, Indian Territory, for registration a letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nation, South McAlester, Indian Territory, , which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereby attach the registry receipt and make the same a part of this affidavit.

(SEAL)

Subscribed and sworn to before me this the 13 day of September, 1906

J. O. Mullen,  
Notary Public.

(Endorsed)

The Department of the Interior. Amended Application of Jno. H. Gamblin, et al., for enrollment as citizens of the Choctaw Nation.  
C-96

(Registry receipt attached here)

DEPARTMENT OF THE INTERIOR.

At Muskogee, Ind. Ter.

Application of

George Scott and  
Lovie Scott, for themselves,  
and for their minor children,  
Myrtle Scott, Bertie Scott,  
Archie Scott, Glennis Scott and  
Joseph A. Scott, James I. Scott.

For enrollment as members of the  
Choctaw tribe of Indians.

To the Honorable Secretary of the Interior and the Commissioner  
to the Five Civilized Tribes:

Your petitioners, George Scott, and his wife Lovie Scott,  
respectfully represent that they are citizens of the Choctaw  
tribe of Nation of Indians and that their six minor children,  
Myrtle Scott, Bertie Scott, Archie Scott, Glennis Scott, Joseph A.  
Scott and James I. Scott, are citizens of the Choctaw tribe or  
Nation of Indians.

Your petitioners further state that in 1897 the petition-  
er, George Scott, and his wife, Lovie Scott and Myrtle Scott,  
Birt Scott & Arch Scott, was duly and legally enrolled by the  
citizenship roll of the Choctaw Nation by the Chief Commissioner  
thereof and was thereafter duly recognized as citizens of said  
Nation. That theretofore, to-wit, on the \_\_\_\_ day of \_\_\_\_

the said George Scott and Lovie Scott were duly and legally married  
and as the fruits of their union there were born to them the above  
named minor children. That the said George Scott, by virtue of his  
marriage to the said Lovie Scott, owed allegiance to the Choctaw  
Nation and became entitled to all the benefits of a member of said  
inter-marriage, and at the time of the birth of said children  
he owed and continued to owe such allegiance to the Choctaw tribe  
or Nation of Indians. Petitioners allege that by virtue of the  
opinion of the Assistant Attorney General heretofore rendered in  
the Mary Elizabeth Martin case and the Loula West case, these  
petitioners became entitled as citizens of the Choctaw tribe or



Nation of Indians.

Wherefore petitioners pray that this application be duly considered and upon hearing thereof they be enrolled as citizens of the Choctaw tribes of Indians.

Gilbert & Bond.

Counsel for Petitioners.

Indian Territory,  
Southern District.

We, George Scott and Lottie Scott, on oath state that we are the identical parties mentioned in this petition and that we have read the same and am familiar with the contents thereof and that they are true.

George Scott.

(SEAL)

Subscribed and sworn to before me this 26th day of  
February, 1906.

Edna Bowman,  
Notary Public.

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Indian Territory,  
Southern District.

I, E. H. Bond, upon my oath state that I am of lawful age; that I delivered to the postmaster at Duncan, Indian Territory, for registration, a letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the

registry receipt of the postmaster at Duncan, and make the same a part of this affidavit.

E. H. Bond.

Subscribed and sworn to before me this the 27th day of February, 1906.

(SEAL)

J. L. C. Smith,

Notary Public.

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(Endorsed)

No. 182.

George Scott, and Lovie Scott. Petition.

(Loula West #96.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

MAR 9, 1906.

Tams Bixby, Commissioner.

Gilbert & Bond,

Duncan, I. T.

(COPY-DeB)

(Registry receipt attached here)

DEPARTMENT OF THE INTERIOR.

At Muskogee, Ind. Ter.

Application of

Walter Gamblin and  
Lillie Gamblin, for themselves  
and for their minor children,

Benney Gamblin and Fred Gamblin.

For enrolment as members of the  
Choctaw tribe of Indians Terr

To the Honorable Secretary of the Interior and the Commissioner  
to the Five Civilized Tribes:

Your petitioners, Walter Gamblin, and his wife, Lillie Gamblin, respectfully represent that they are citizens of the Choctaw tribe or Nation of Indians and that their two minor children, Benney Gamblin and Fred Gamblin are citizens of the Choctaw tribe or Nation of Indians.

Your petitioners further state that in 1897 the petitioner, Walter Gamblin was duly and legally enrolled by the citizenship roll of the Choctaw Nation by the Chief Commissioner thereof and was thereafter duly recognized as a citizen of the Choctaw Nation. That afterwards, to wit, on the \_\_\_\_ day of July, 1899, the said Walter Gamblin and the said Lillie Gamblin were duly and legally married and as the fruits of their union there were born to them the above named minor children. That the said Lillie Gamblin, by virtue of her marriage to the said Walter Gamblin owed allegiance to the Choctaw Nation and became entitled to all the benefits of a member of said tribe, and at the time of the birth of said children she owed and continued to owe such allegiance to the Choctaw tribe or Nation of Indians. Petitioners allege that by virtue of the opinion of the Assistant Attorney General heretofore rendered in the Mary Elizabeth Martin case and the Loula West case, these petitioners became entitled to enrollment as citizens of the Choctaw tribe or Nation of Indians.

Wherefore petitioners pray that this application be duly considered and upon hearing thereof they be enrolled as citizens of the Choctaw tribe or Nation of Indians.

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Counsel for Petitioners.

Indian Territory.

Southern District.

I, Walter Gamblin, on Oath state that I am the identical party mentioned in this petition and that I have read the same and am familiar with the contents thereof and that they are true.

Walter Gamblin.

Subscribed and sworn to before me this the 26th day of February, 1906.

Edna Bowman.

Notary Public.

(SEAL)

(Endorsed)

No. 183

Walter Gamblin, et al.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FILED

MAR. 9 1906.

Tams Bixby, Commissioner.

Gilbert & Bond, Attys.,  
Durant, I. T.

Indian Territory,  
Southern District.

I, E.H. Bond, upon my oath state that I am of lawful age; that I delivered to the postmaster at Duncan, Indian Territory, for registration, a letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the registry receipt of the postmaster at Duncan and make the same a part of this affidavit.

E. H. Bond.

Subscribed and sworn to before me this the 27th day of February, 1906.

J. L. G. Smart.

Notary Public.

SEAL.

(COPY-DeB)

DEPARTMENT OF THE INTERIOR.

At Muskogee, I. T.

Application of,

Arch Reed and his wife  
Toma Reed for themselves  
and their minor children,  
Archie Reed, Glen Reed and  
Anna Keller Reed.

For enrollment as members of the  
Choctaw tribe of Indians.

To the Honorable Secretary of the Interior and the Commissioner  
to the Five Civilized Tribes:

Your petitioner, Arch Reed, and his wife Toma Reed,  
respectfully represent that they are citizens of the Choctaw tribe  
or Nation of Indians and that their three minor children, Archie  
Reed, Glen Reed and Anna Keller Reed, are citizens of the Choctaw  
tribe or Nation of Indians.

Your petitioners further state that in 1897 the petition-  
er, Arch Reed & his wife, Toma Reed, was duly and legally enrolled  
by the citizenship roll of the Choctaw Nation by the Chief Com-  
missioner thereof and was thereafter duly recognized as a citizen  
of said nation. That theretofore, to-wit, on the 20 day of  
Sept. 1896, the said Arch Reed and the said Toma Reed were duly  
and legally married and as the fruits of their union there  
were born to them the above named minor children. That the said  
Arch Reed, by virtue of his marriage to the said Toma Reed,  
owed allegiance to the Choctaw Nation and became entitled to all  
the benefits of a member of said intermarriage, and at the time of  
the birth of said Childreb he owed and continued to owe such  
allegiances to the Choctaw tribe or Nation of Indians. Petitioners  
allege that by virtue of the opinion of the Assistant Attorney Gen-  
eral heretofore rendered in the Mary Elizabeth Martin Case and  
Loula West case, these petitioners became entitled as citizens of  
the Choctaw tribe or Nation of Indians.

Wherefore petitioners pray that this application be duly con-  
sidered and upon final hearing thereof they be enrolled as



citizens of the Choctaw tribe of Indians.

Gilbert & Bond,

Counsel for Petitioners.

Indian Territory,

Southern District.

We, Arch Reed and Toma Reed, on oath state that we are the identical parties mentioned in this petition and that we have read the same and am familiar with the contents thereof and that they are true.

Toma Reed.

Subscribed and sworn to before me on this the 26 day of February, 1906.

R. M. Hamblin.

(SEAL)

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Indian Territory,  
Southern District.

I, E. H. Bond, upon my oath state that I am of lawful age; that I delivered to the postmaster at Duncan, Indian Territory, for registration, a letter addressed to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, which letter contained a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof I hereto attach the registry receipt of the post master at Duncan and make the same a part of this affidavit.

E. H. Bond.

Subscribed and sworn to before me this the 27th day of February, 1906.

(SEAL)

J. L. C. Smith,  
Notary Public.



No. 181. INDEXED.

Arch Reed, et al.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED  
MAR 9 1906.

Tams Bixby, Commissioner

Gilbert & Bond, Attys.

Duncan, I. T.

McM-3/22

(Registry receipt attached here)

DEPARTMENT OF THE INTERIOR.

At Muskogee, I. T.

Application of

Hattie Skelton (nee Hattie Gamblin) for  
herself and her minor children,  
William D. Skelton and Icie Skelton.

For enrollment as members of the  
Choctaw tribe of Indians.

To the Honorable Secretary of the Interior and the Commissioner  
to the Five Civilized Tribes:

Your petitioner Hattie Skelton, respectfully represents  
that she is a citizen of the Choctaw tribe or nation of Indians,  
and that her two minor children, William D. Skelton, and Icie  
Skelton are citizens of the Choctaw tribe or Nation of Indians.

Your petitioners further states that in 1897 the peti-  
tioner, Hattie Skelton, was duly and legally enrolled by the  
citizenship roll of the Choctaw Nation by the Chief Commissioner  
thereof and was thereafter duly recognized as a citizen of the  
said nation. That thereafter, to-wit, on the 24 day of  
April, 1902, the said Hattie Skelton was duly and legally married  
to James W. Skelton, and as the fruits of their union there was born  
to her the above named minor children.

Your petitioner alleges that by virtue of the opinion  
of the Assistant Attorney General, heretofore rendered in the  
Mary Elizabeth Martin case and the Loula West case, your petitioner  
became entitled to enrollment as a citizen of the Choctaw tribe  
or nation of Indians.

Wherefore your petitioner prays that this application be  
duly considered and upon final hearing hereof, she be enrolled as a  
citizen together with her children as citizens of the Choctaw  
tribe or nation of Indians.

Gilbert & Bond,  
Counsel for Petitioner.

Indian Territory,  
Southern District.

I, Hattie Skelton, (nee Hattie Gamblin), on oath state that I am the identical person mentioned in this petition and that I have read the same and am familiar with the contents thereof and that they are true.

Hattie Skelton.

Subscribed and sworn to before me on this the 26th day of February, 1906,

R. M. Gamblin,

Notary Public.

(SEAL)

Indian Territory,  
Southern District.

I, R. H. Bond, upon my oath state that I am of lawful age, that I delivered to the Postmaster at Duncan, Indian Territory, for registration a letter addressed to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, which letter contains a true and correct copy of the foregoing petition. In proof of such registration and of the date thereof, I hereto attach the registry receipt of the postmaster at Duncan, and make the same a part of this affidavit.

Subscribed and sworn to before me this the 27th day of February, 1906.  
(SEAL)

R. H. Bond,  
J. L. C. Guest,  
Notary Public.

(Endorsed)

No. 184.

Hattie Skelton, et al.,  
DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FILED

MAR 9, 1906.

John Birby, Commissioner.

Gilbert & Bond, Attys. Duncan, I. T.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY,  
JULY 30, 1906.

---

IN THE MATTER of the application for the enrollment of  
Joseph W. Gamblin, et al., as citizens of the Choctaw Nation.

UNDER THE REGULATIONS adopted by the Commissioner to the  
Five Civilized Tribes January 2, 1906, there was filed on Feb-  
ruary 6, 1906 by Cruce, Cruce & Bleakmore attorneys for peti-  
tioners a petition praying for the enrollment of Joseph W.  
Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorance and  
Icsey Dorance as citizens of the Choctaw Nation.

It being alleged in said petition that the petitioners were  
in 1896 enrolled by the Board of Choctaw Census Commissioners.

JULY 9, 1906, Emma Gamblin, Duncan, Indian Territory,  
Cruce, Cruce & Bleakmore attorneys for petitioners, Ardmore,  
Indian Territory, Mansfield, McMurray & Cornish, attorneys for  
the Choctaw and Chickasaw Nations, South McAlester, Indian Ter-  
ritory, were notified that the Commissioner would at his office  
at Muskogee, Indian Territory, on July 30, 1906 at 1:00 o'clock  
p. m., hear such testimony and receive such other evidence as  
might be submitted in support of said petition.

NOW, on this the 30th day of July, 1906 at 1:00 o'clock P. M.,  
this cause being called for hearing the following appearances  
were entered and proceedings had.

APPEARANCES: John H. Gamblin appears in person. A. C.  
Cruce of Cruce, Cruce & Bleakmore, appears on  
behalf of the petitioners.  
G. Rosenwinkel, representing Mansfield,  
McMurray & Cornish, appears on behalf of the  
Choctaw and Chickasaw Nations.

- - -

MR. ROSEWINKEL: The Choctaw and Chickasaw Nations object to any proceedings being had in this cause, for the reason that the petitioners were denied citizenship in the Choctaw Nation by decree of the Choctaw and Chickasaw Citizenship Court.

We object for the further reason that the motion herein to reopen and reconsider this case was not filed within the time prescribed by the Act of Congress approved April 26, 1906.

- - -

JOHN H. GAMBLIN, being duly sworn testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A John H. Gamblin.  
Q How old are you? A Fifty-eight.  
Q What is your postoffice address? A Duncan.  
Q Are you related to Joseph W. Gamblin? A Yes sir.  
Q What relation are you to him? A He is my son.  
Q How old is Joseph W. Gamblin? A He is about thirty-three.  
Q What is his mother's name? A Lizzie Ann.  
Q Is Joseph W Gamblin married? A Yes sir.  
Q What is the name of his wife? A Emma.  
Q Is she living at the present time? A Yes sir.  
Q Has he any children? A Yes sir.  
Q Give their names and ages? A Indianola, I think she is ten.  
Q Has he any other children? A No sir, just the one child.  
Q Are you related to Orange Dorance? A I am not, no sir.  
Q Orange Dorance is the son of Emma Gamblin by a former marriage.  
Q Who was the father of Orange Dorance? A Jim Dorance.  
Q Is Jim Dorance now living? A No sir, dead.  
Q Has Emma Gamblin any other children?  
A Icky Dorance and Dink Lyles (now Foxall), she married Foxall.  
Q How old is Orange Dorance? A She is about twenty-one or two. I have it in my pocket. That is about his age.  
Q Would like to get his exact age? (Refers to paper)  
A Twenty-one.  
Q What is the age of Icky Dorance? A Nineteen.  
Q Orange Dorance and Icky Dorance claim the right to enrollment through their mother, don't they, Emma Gamblin?  
A No sir, through their father. Emma Gamblin is an intermarried. Emma Gamblin married my son.  
Q Then the only right Orange Dorance and Icky Dorance claim to enrollment is by reason of the fact of their mother, Emma Gamblin, marrying Joseph W. Gamblin?  
A No sir, they claim it from their father. I don't know a thing about that. I have seen them, but not through her mother I knew, because she don't claim no Indian blood.  
Q When was Joseph W Gamblin married to Emma Gamblin?  
A 1890, some time in 1890.

Q About 1890? A Yes sir, '91 or '92.

THE COMMISSIONER: The name of Joseph Gamblin appears on the 1896 Choctaw Census Roll opposite No. 4916. The names of Emma Gamblin and Indianola Gamblin appear on said roll opposite Nos. 4917 and 4918, respectively.

The names of Orange Dorance and Ikey Dorance do not appear upon said roll.

The names of Isa Daurence and Orange Daurence appear upon the 1896 Choctaw Census Roll opposite Nos. 3548 and 3549, respectively, ages fourteen and thirteen respectively. Opposite said names appears the following notation, "Enrolled without authority of law."

It does not appear from the records of this office that any application was ever made for the enrollment of the petitioners, Orange Dorance and Ikey Dorance, prior to the filing of the petition herein

MR. ROSENWINKEL: We want to interpose an objection to any further consideration of the petition of Orange Dorance and Ikey Dorance, for the reason that it does not appear from the records of the Commission that application for their enrollment was made prior to December 1, 1905.

BY THE COMMISSIONER:

Q What is the name of your wife? A Lizzie Ann.  
Q When were you married to Lizzie Ann Gamblin? A In 1867.  
Q How old is she? A About fifty-six.  
Q Is she living at the present time? A Yes sir.  
Q She and you are living together as husband and wife? A Yes.  
Q By what name do you claim that you were enrolled on the 1896 Choctaw Census Roll? A John H. Gamblin.  
Q John H.? A John H. or J. H.  
Q In what county were you living then? A I was living in Pickens County.  
Q The name of "Jno. A. Gamblin" appears on the 1896 Choctaw Census Roll of Blue County, opposite No. 4914. After said name is written in parenthesis "Jno. H. Gamblin". The name of Anna Gamblin appears upon said roll opposite No. 4915. Opposite said name is written in parenthesis "Eliza Ann Gamblin."

(Witness dismissed).

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S. T. Wright, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he recorded the testimony and proceedings had in the above entitled cause, and the foregoing is a true and correct transcript of his stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this August 10th, 1906.

Dennan Colkages  
Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 14, 1907.

7-5282, 7-5058, 5284, 5285, 5059, 5054, 7-B 430, C 52, C 125,  
C 96, W 182, W 183, W 184, W 181.

In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

Cruce, Cruce & Bleakmore of Ardmore, Indian Territory, appear on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

J. H. Gamblin, being first duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A J. H. Gamblin.  
Q How old are you? A 58.  
Q What is your postoffice? A Duncan, I. T.  
Q Who is Joseph W. Gamblin? A My son.  
Q How old is he? A 32.  
Q Is he living? A Yes, sir.  
Q Who is Emma Gamblin? A His wife.  
Q Is she living? A Yes, sir.  
Q Who is Indianola? A His daughter.  
Q Who is Eliza Ann Gamblin? A She is my wife.  
Q Who is Anna Gamblin? A She is my wife, I suppose, Eliza Ann.  
Q Who is Walter Gamblin? A He is my son.  
Q Who is Amanda Gamblin? A My daughter.  
Q Is she also known as Amanda Latoma? A Yes, sir.  
Q Who is Hattie Skelton? A She is my daughter.  
Q Who is Lovie Scott? A She is a niece of my wife.  
Q Does she claim any blood right? A Yes, sir.  
Q Who is Hattie Myrtle Scott? A Lovie Scott's daughter.  
Q Who is Minnie Raverta Scott? A Lovie Scott's daughter.  
Q Who is Archie McCoy? A Her son.  
Q Who is Mary Melinda Jones? A That is a sister of my wife.  
Q Who is Glennis Scott? A That is Lovie's daughter.  
Q Who is Joseph A. Scott? A That is Lovie's son.  
Q Is James I. Scott her son? A Yes, sir.  
Q Who is Lovie Scott's husband? A George Scott.  
Q Were they married under a Choctaw license? A No, sir.  
Q Who is Lydia Gamblin? A She is Walter's wife.  
Q Does she claim any blood right? A No, sir, she is intermarried.  
Q Who is Benny Gamblin? A He is Walter's son.  
Q And Fred? A He is his son too.  
Q Who is William D. Skelton? A He is the son of James V. Skelton.

- Q Who is Icy Skelton? A Icy Skelton is the daughter of James Skelton.
- Q Who is Glenn Reed? A He is Toma Reed's son.
- Q And who is their mother? A My daughter, Toma Reed. Her name is Amanda Reed.
- Q Is Amanda Gamblin and Amanda Reed the same woman? A Yes, sir.
- Q How many children has Amanda L. Reed? A Four.
- Q What are their names? A Archie, Glenn, and Anna Kehla and Joe Rex.
- Q Joseph Rexford? A Yes, sir.
- Q Who is Archie Reed? A She is Toma Reed's daughter.
- Q Her husband is also named Arch Reed is he not? A Yes, sir.
- Q He is a white man? A Yes, sir.
- Q Was he married to his wife under a Choctaw license? A No, sir.
- Q Who is Walter Gamblin, whose name is mentioned in the petition here? A My son.
- Q Has any application been made for him? A Yes, sir.
- Q How old is he at this time? A 39.
- Q Is he the same man as James W.? A Yes, sir.
- Q His name is James Walter? A James Walter.
- Q Now, who is Orange Dorance? A It is the step-son of my son Joe.
- Q Who is Icy Dorance? A That is the stepdaughter of Joseph Gamblin.
- Q Who is the mother of these children? A Joseph Gamblin's wife.
- Q What is her name? A She was a Dorance. A widow when he married her.
- Q What is her first name? A Emma.
- Q She is a white woman? A Yes, sir.
- Q Who is the father of these children? A Jim Dorance.
- Q Was he a white man? A I don't know.
- Q It doesn't appear from the records of this office that any application was ever made for Orange Dorance and Icy Dorance as citizens of the Choctaw Nation, nor for Arch Reed the husband of your daughter, Amanda Reed.
- Q Where were you born, Mr. Gamblin? A In the state of Georgia.
- Q What is the name of your father? A Joseph.
- Q What is the name of your mother? A Mahale.
- Q Did either of your parents possess any Indian blood? A No, sir.
- Q They were white people? A Yes, sir.
- Q You don't claim any Indian blood yourself, then? A No, sir.
- Q You claim solely by reason of the fact that your name is on the 1896 roll? A I claim by intermarriage.
- Q What is the name of your wife? A Jones.
- Q Her full name? A Liza Ann Jones.
- Q How old is she? A She is 56.
- Q Where was she born? A She was born in Georgia.
- Q What is the name of her father? A James.
- Q James Jones? A Yes, sir.
- Q What is the name of her mother? A Elizabeth Brown.
- Q Now, did either of her parents possess any Choctaw blood? A Yes, sir.
- Q Which one? A Her father.
- Q What was the amount of Choctaw blood he had? A 1/4.
- Q In what county in Georgia was she born? A Catoosa.
- Q Are either of her parents living at this time? A No, sir? They're dead a good many years.
- Q When did James Jones die? A I can't tell exactly; some thirty years ago.
- Q Where did he die? A He died at Russellville, Arkansas.

- Q Elizabeth Brown was a white woman was she? A Yes, sir.
- Q Did James Jones move west of the Mississippi River? A Yes, sir.
- Q At what time? A About '33, as well as I recollect; he told me.
- Q Did you know him in his lifetime? A Yes, sir.
- Q Were you married before your wife came west? A Yes, sir.
- Q Married her in the state of Georgia? A Yes, sir.
- Q What was the date of your marriage to Eliza Ann Jones?
- A '67. was
- Q What month of it? A 10th day of January, 1867.
- Q Did you ever remarry your wife after you came to the Choctaw Nation? A No, sir.
- Q Have you ever secured a Choctaw license at any time? A No, sir.
- Q Now, who is the father of James Jones? A James Jones father's name is James.
- Q Did he have any Indian blood? A Yes, sir.
- Q How much? A He was a half-breed.
- Q What was the name of James Jones, Jr.'s mother? A Her name is Tuskanoga.
- Q What was her blood? A She was a fullblood Choctaw.
- Q Were you acquainted with either James Jones or his wife whom you claim was a fullblood? A No, sir.
- Q Do you know where they resided during their lifetime? A No, sir.
- Q Who was the mother of James Jones Jr.? A I don't know.
- Q Then your statement that her name was Tuskanoga was not correct?
- A No, sir. She was Simon Jones' wife.
- Q Who is the father of James Jones, Sr.? A Simon P. Jones.
- Q What was his blood? A He was a white man.
- Q Who is the mother of James Jones, Sr.? A I don't know.
- Q Who is this Tuskanoga you mentioned a while ago?
- A I couldn't tell you only from the people telling my great-grandmother my wife's great-grandmother was Tuskanoga and her grandfather was Simon P.
- Q What relation does Tuskanoga bear to Simon? A She is his wife.
- Q Do you know where Simon P. Jones and his wife resided in their lifetime? A No, sir, I don't.
- Q Where did you get your information? About the ancestors of your wife? A My wife's father.
- Q When did he die? A He has been dead some 30 years.
- Q Do you know whether or not Simon Jones and his wife Tuskanoga had any other children besides James Jones? A I think they did, but I couldn't call their names.
- Q How many children did they have? A I don't know; one of their names was Bed - died here in the Choctaw Nation; never seen one of them.
- Q How old was James Jones at the time of his death? A I think he was just 83.
- Q Thirty years ago? A Yes, sir.
- Q That is James Jones, Jr.? A Yes, sir, my wife's father.
- Q Did you ever see James Jones Jr.'s father? A No, sir.
- Q When you came west where did you first locate? A At Brown's Perry, near Gainesville, Texas.
- Q Was your wife's father with you at that time? A No, sir.
- Q When did you go west? A About 22 years ago, as well as I recollect.
- Q Had her father already come west of the Mississippi?
- A He came in '32, but went back.
- Q When he came here in 1832 where did he locate? A Near Ft. Smith.
- Q In the state of Arkansas? A No, sir, in the territory.
- Q How long did he stay? A As well as I recollect I heard him say he stayed three years.

- Q When he went back where did he go to? A Went to Georgia.
- Q Did he return again? A No, sir, he started back when he died at Russelville, Arkansas, before he got here.
- Q Was he on his way then or had he settled at Russelville?
- A He was on his way back.
- Q Do you know whether or not either James Jones, Jr. or James Jones, Sr., or any of your wife's ancestors ever lived in the state of Mississippi or Alabama? A Yes, sir.
- Q Lived in which one? A Her father lived in Mississippi.
- Q Where was he living at the time he removed from Georgia west?
- A He was living in Catoosa county, Georgia, when he came here.
- Q How long had he lived in that county? A Lived there two years.
- Q Where did he live prior to that time? A He lived in Lunkin County, Georgia.
- Q How many years? A I couldn't tell you.
- Q What years did he ever live in Mississippi? A That is before he come west; he come west with the Choctaws.
- Q I asked you a moment ago when he first moved here in 1833, that was his first trip, wasn't it? A Yes, sir.
- Q Where was he living at that time? A In Mississippi.
- Q In what county? A I don't know.
- Q How do you know he was living in Mississippi? A He told me, that is all I know about it.
- Q You don't know what part of Mississippi he was living in?
- A No, sir.
- Q Couldn't locate it by any river or city? A No, sir.
- Q Did you ever hear him say that he was a beneficiary under Article 14 of the Treaty of 1830? A I never did hear him talk about it. Heard him say he left Mississippi and come here with the Indians about '33.
- Q How old a man was he when you first met him? A I couldn't tell. I was with him some 6 or 7 years before he died and he was 83 when he died. He was 70 I guess when I first met him.
- Q Does your wife know any more about her family history then you do? A I don't suppose she does; she never was about any of her people on the Jones side.
- Q Wouldn't she have reason to have just as much knowledge of these affairs as you have? A Yes, sir, I suppose she would.
- Q You have got all your information from her father? A Yes, sir. That is all I know about it.
- Q Did you yourself ever live in Mississippi? A We stopped there when we first come to this country; we stopped at Corinth.
- Q What year was that? A About '67 or 8.
- Q When James Jones returned from Indian Territory to the east, he didn't go back to Mississippi at all, he went to Georgia; went through Mississippi on the way to Georgia.
- Q Did you ever hear whether or not he had previously resided in Georgia before he came west the first time? A No, sir. I don't know, I don't think he did.
- Q Did you ever hear him say? A I never heard him say.
- Q Is your wife, Eliza Ann a sister of Mary M. Jones? A Yes, sir.
- Q Did you testify before the Choctaw-Chickasaw citizenship court?
- A I believe I did.
- Q Is your wife related to Josephine Jones that lives at Duncan?
- A Not that I know of.
- Q Your name together with that of your wife and some of your children were placed on the 1896 Census Roll by the Choctaw Revisory Board, were they not? A Yes, sir.
- Q Prior to that time did you have any petition with the Choctaw Council? A Yes, sir.

- Q When was that petition filed? A In 1891, I wouldn't be positive, but I think that is the date.
- Q Do you know whether or not any action was taken on it? A No, sir, I don't know.
- Q Did you go before the Revisory Board at Tuskahoma or some other point? A I went before them at Duncan.
- Q What did you do over there when they met? A Didn't do anything only Judge Durant just listed the people.
- Q What time was this? A I wouldn't be certain, I think it was in October, 1906.
- Q Wasn't it in January, 1897? A No, sir, I got a certificate sent to me then by them; I think it was January 14th, 1897.
- Q Don't you know as a matter of fact that the Revisory Board had no control at all until after the other Commission had expired? They didn't take charge of the work until in December, 1896.
- A Well, I don't know about that; I can't just tell the time only it was in the fall at Duncan in 1896.
- Q Who were the members of that Revisory Board? A Alex Durant, Davidson Homer; I forget the others names now, Judge something.
- Q You filed no petition with that board, you just went before them and had them enroll you? A I just met the Board at Duncan; I never filed any petition with them.
- Q You were living in the Chickasaw Nation then? A Yes, sir. In Duncan.
- Q You were enrolled as from Blue County in the Choctaw Nation.
- A I don't know anything about that.
- Q Had you ever lived in the Choctaw Nation? A Yes, sir.
- Q I believe you stated that you removed west in 1867 and settled near Gainesville, Texas? How long did you live there? A In '67 I stopped at Russellville and stayed there several years.
- Q How many years? A About 22 years ago I went down to Gainesville, Texas, and then I went back to Russellville, Arkansas.
- Q When you come west at what place did you stop? A I stopped at Russellville, Arkansas.
- Q In what year? A In 1867 - about that time.
- Q How long did you stay in Russellville? A I stayed there 7 or 8 years.
- Q Then where did you go? A Went out to Brown's Ferry in the Chickasaw Nation near Gainesville.
- Q How long did you stay there? A I stayed there something like two years.
- Q Then where did you go? A Went back to Russellville again.
- Q How long did you stay there this time? A I think I stayed there five years. I ain't certain - 4 or 5.
- Q Then where did you go? A To where I now live.
- Q At Duncan? A Yes, sir.
- Q All the residence you have had in the Indian Territory has been in the Chickasaw Nation? A And the Choctaw Nation.
- Q I ask you now about your residence; at no time have you stated you stopped in the Choctaw Nation? A Well, we stopped there about 2 or 3 months on the way back to Russellville.
- Q Since you came to the Chickasaw Nation about '81 the last time, have you resided there ever since? A Yes, sir, 1899; I have been there 16 years now.
- Q Have your children all resided in the Chickasaw Nation too?
- A All the time, yes, sir.
- Q Are any of the persons whose names I mentioned to you at the beginning of your examination dead? A No, sir, none dead.



- Q When you came to the Chickasaw Nation in 1881, what did you do for a living? A I was farming.
- Q Did you rent? A I rented the first year.
- Q After the first year what did you do for land? A I bought a place.
- Q Who from? A From Hick Ayerson. A fullblood Choctaw.
- Q Did you have to get out a permit? A No, sir. I did the first year I came here.
- Q Have you ever voted in the Chickasaw elections? A No, sir.
- Q Ever held any office in either the Choctaw or Chickasaw Nation? A No, sir.
- Q Have any of your sons? A No, sir.
- Q Outside of the fact that your names appear upon the '96 roll, and the fact you have held land, that is the only recognition you claim, isn't it? A No, sir, we have petitioned to the Choctaw Legislature. They permitted our man on the farm under us for several years; four I believe.
- Q Did you pay for those permits? A No, sir, the man farming on the place paid for it.
- Q Who is the mother of Lovie Scott? A Melinda Jones.
- Q Is she the same woman as Mary M. Jones, the applicant here? A Yes, sir.
- Q Who is the father of Lovie Scott? A I don't know.
- Q Do you know whether or not he was a white man or an Indian? A No, sir, I don't know.
- Q Do you know who Melinda Jones' husband was? A Never had any husband.
- Q Lovie Scott then is an illegitimate child? A Yes, sir.
- Q The card record in the case of Lovie S. Scott gives the name of her father as being Jim Jones, a non-citizen? Did you ever hear of him? A I don't know anything about that.
- Q She claims her Choctaw blood then through Melinda Jones who is a sister of your wife? A Yes, sir.
- Q And Melinda Jones and your wife came from the same common ancestor? A Yes, sir.
- Q I believe you stated that you didn't know whether Orange Dorance and Icy Dorance had any Choctaw blood? A No, sir, I don't.
- Q How old is Orange Dorance? A She is about 21.
- Q How old is Icy Dorance? A I suppose she is about 18.
- Q Are those the only names they have? A All I know of.
- Q Who does Lillie Gamblin claim her right to enrollment as an intermarried citizen through? A James Walter Gamblin.
- Q Lillie Gamblin is a white woman? A Yes, sir.
- Q When were they married? A Been married about 7 years.
- Q Where were they married? A Married right where he lives now, near Duncan.
- Q By whom? A I couldn't tell you that.
- Q Have you evidence of their marriage? A I was gone away when they were married.
- Q You weren't present? A No, sir, I wasn't present.
- Q Where was Lillie Gamblin living when she married your son, James Walter Gamblin? A Her father was living on my farm at that time near Duncan.
- Q Where was your son living? A He was living at my place, at home.
- Q Had she ever been married before she married your son? A No, sir.
- Q Had your son ever been married before? A No, sir.
- Q Have they lived together as husband and wife since they married up to the present in the Chickasaw Nation? A Yes, sir.

- Q You yourself were never remarried subsequent to your wife after 1896 or at any time under a Choctaw license or a Chickasaw license? A No, sir.
- Q Emma Gamblin claims right as an intermarried citizen by virtue of marriage with your son Joseph W. Gamblin? A Yes, sir.
- Q When were they married? A Been married about 11 years.
- Q Were you present at their marriage? A No, sir.
- Q Where was Emma living at that time? A Living near Duncan.
- Q Your son was living there also? A Yes, sir.
- Q Have they lived together ever since as husband and wife? A Yes, sir.
- Q Had your son been married prior to his marriage with Emma? A No, sir.
- Q Had she? A Yes, sir.
- Q To whom? A Jim Dorance.
- Q Was he a white man? A Claims to be part Choctaw/ Couldn't tell, I don't know.
- Q Was he living when your son married this woman? A Yes, sir.
- Q Had Emma been divorced from him? A Yes, sir.
- Q Have you a copy of the decree of divorce for the purpose of filing? A No, sir.
- Q Have you any evidence of her marriage to your son? A No, sir.
- Q Have you any papers to file - certificate of marriage? A No, sir.
- Q Did James Jones, your wife's father, tell you where he was born? A I don't think he ever did.
- Q Did you ever hear where he was born? A I believe he was born in Georgia.
- Q Wasn't he born in Franklin County, Georgia? A I reckon he was.
- Q Do you know what years he was residing in the state of Mississippi? A No, sir, I don't.

BY MR. CRUCE:

- Q Mr. Gamblin, I understood you to say a while ago that the first year you came here you got a permit and paid the permit tax? A Yes, sir.
- Q Since then you have never paid any? A No, sir, the man under me on the farm paid it.

The applicant offers in evidence a permit issued in 1894 by C. W. Carter, Permit Collector, Pickens County, Chickasaw Nation, certifying that A. S. Peck has complied with the permit law and being in the employ of J. H. Gamblin.

- Q Mr. Gamblin, how far is it from your home the way you have to go home from here? A Something like 300 miles.
- Q Does your wife know any more about the family history of her family than you do? A I don't think she does.
- Q You testified a while ago that James Jones, your wife's father, came to this country you think in '33? A I think so.
- Q Did you learn from him in what capacity he came here? A He was captain of a squad.
- Q Squad of Choctaw Indians? A Yes, sir.

Cruce: If the Commissioner please we have here a certificate from A. C. Tanner, Acting Commissioner of Indian Affairs, July 27, 1904, which gives certified copies of Indian Office records



of Indians who came to the Indian Territory under James Jones as captain, and also showing that James Jones, Nathaniel Jones and William Jones were granted land under the 19th article of the Choctaw Treaty of 1830.

Commissioner; The notation of the paper referred to by you will not be accepted inasmuch as it is a part of the Choctaw-Chickasaw Citizenship Court record, but the reference to the papers included therein will be made in this record. It includes "A muster roll of Choctaw Indians showing arrival, age, sex,

etc., - belonging to Red River District," wherein the name of James Jones appears. Also reference to James Jones is found in Brown and Kin Common's on Page 285; also letter of Indian office dated May 19, 1848 addressed to Honorable P. W. Tompkins, House of Representatives, showing that James Jones and others were entitled to reservations under Article 19 of the Treaty of 1830; said letter is found in letter book No. 40.

- Q Do you know who Nathaniel Jones was and William Jones?  
 A I don't know only just what he told me.  
 Q What who told you? Q James Jones told me.  
 Q What did he say about it? A He told me that they was his set of people.  
 Q What kind were they to him? A Own cousins.

BY THE COMMISSIONER:

- Q When you removed ~~th~~ from Arkansas to the Chickasaw Nation the second time about '85, did you leave the Chickasaw Nation again?  
 A I When I left Arkansas the second time and come to the Chickasaw Nation, I resided where I am now ever since.  
 Q Have your children also? A Yes, sir.

WITNESS EXCUSED.

F. Elma Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings in the above entitled and numbered cause, and that the foregoing is a true and correct transcript of her stenographic notes taken therein.

*F. Elma Lane*

Subscribed and sworn to before me this 16th day of January, 1907.

*Walter W. Chappell*  
 Notary Public.

No. 49.

Office of Collector of Permits,

Pickens County, Chickasaw Nation.

This is to Certify that A. S. Peck Has complied with the late permit law and is registered accordingly as being in the Employ of J. H. Gamblin for 12 months from 1/1 1894. As a farmer.

\$5.00.

B. W. Carter,

Permit Collector,

Pickens county, C. N.

(SEAL)

Indorsed:

Jonas Wolfe, Governor, C.N.

Walter W. Jones, et al.-----Plaintiffs.

vs

Choctaw & Chickasaw Nation,--Defendants.

( In Tishomingo Docket,  
{ Choctaw & Chickasaw Citizenship  
{ Court.

T. L. Wright, Atty. for Plaintiffs. )  
D. A. Richardson, Atty. for Defendants. )

Before H. S. Foot, Judge of  
the Choctaw & Chickasaw Citizenship Court, were sworn the  
following witnesses: Francis W. Jones and J. H. Gamblin for  
Plaintiffs, testifies as follows: The testimony being taken  
down in shorthand to be translated in longhand by Miss Myrta  
Goodman, sworn as Court Stenographer.

Ques. What is your name ?

Ans. Francis Jones.

Ques. How old are you ?

Ans. 88 years old-past.

Ques. Where do you live ?

Ans. Now ?

Ques. Yes.

Ans. Logan County. Is that right ?

Ques. How long have you lived here?

Ans. Eight years last July.

Ques. Where did you live prior to that time ?

Ans. Chickasaw Nation.

Ques. What part of the Chickasaw Nation did you live ?

Ans. Near Duncan is as good as I can answer.

Ques. Do you intend to go back to the Chickasaw Nation ?

(The above question objected to by Mr Richardson-- Objection over ruled.) Exception noted. )

Ans. I may go back this winter, if I live.

Ques. Have you any land or own any property in the Chickasaw Nation ?

(The above question objected to by Mr Richardson--Objection over ruled. Exception noted.)

Ans. I have not that I know of.

Ques.  
Where were you born and raised ?

Ans.  
I was born in South Carolina--moved to Georgia when I  
was eight years old and was raised there.

Ques.  
Raised in Georgia.

Ans.  
Yes sir.

Ques.(By Court.)  
That is all the answer to that question ?

Ans.  
Yes, sir.

Ques.  
Were you ever married ?

Ans.  
Not until I married Mr Jones.

Ques.  
What was his name.

Ans.  
Full name.

Ques.  
Yes.

Ans.  
James Lewis.

Ques.  
What name did he usually go by ?

Ans.  
Jim.

Ques.  
Who married you Mrs. Jones ?

Ans.  
John Sights.

Ques.  
What was he ?

Ans.  
Justice of Peace.

Ques.  
Where ?

Ans.  
Duncan County, Georgia.

Ques. Did you obtain lisencc ?

Ans. Yes, sir.

Ques. Was married regular--according to law.

Ans. Yes, sir.

Ques. How long did you live with Jim Jones.

Ans. 21 years, 6 months, and 20 days.

Ques. What year were you married in ?

Ans. 1858.

Ques. How long did you live in Georgia after y ou were married ?

Ans. Eight year I guess--yes, ten years.

Ques. Where did you go to when you left Georgia ?

Ans. We came to Mississippi and made one crop, then came on to Arkansas.

Ques. Now Mrs. Jones, you may tell to the Court what happened during your trip through Missiasippi and Georgia into Arkansas.

Ans. Well, we stopped in May and made a crop in T----- County, Mississippi. And then in October we came through Mississippi--direct route--four miles from here to Logan County, Arkansas and settled at a place called Gum Log Creek.

Ques. Who was along with you when you came on here?

Ans. John Gamblin, his wife and one child, and Mr Jones' family.

Ques. Had your husband been to this country before that time.

Ans. Yes, sir.

Ques. When did he come ?

Ans. About the date of '30. (1830)

Ques. In answer to the question of the Court the only knowledge that she has on the subject as to whether he ever came to this country or not, is what he told her.  
(Objection by Mr Richardson.)

Ques. by Court.

Council for the plaintiff wishes to know what, if any objects along the road were pointed out to you by Mr Jones on the trip from Mississippi to Arkansas.

Ans. Nothing, only as he came through Memphis he told me how long we stayed there. When we came to Crawley Ridge he told me that that was the place he had camped with Indians on a trip out this way--and a mortar of stone or rock which he said they beat their corn in.  
(Objection by Defendant.)

Ques. Did he tell you who he came with on that trip ?

Objection.,By Mr Richardson. )

Ans. Sam Jones.



Ques.  
Who else ?

(Objection)

Ans.  
His brothere William.

Ques.(By Court)  
Any body else.

Ans.  
No sir.

Ques.  
What relation was he to Sam Jones ?

Ans.  
Cousin.

Ques.  
Why was Sam Jones moving out here ?

Ans.  
He was Chief of Choctaw Nation.

(Objection) By Mr Richardson.

Ques.  
What relation was your husband to Sam Jones ?

Ans.  
Cousin, I told you.

Ques.  
When did your husband die.

Ans.  
1880. The 18th, day of May.

Ques.  
You married him in 1858 ?

Ans.  
Yes Sir.

Ques.  
Did you live with him up to the time he died?

Ans.  
I did.

Ques.  
Now Mrs. Jones, state, if you know-what race of people he belonged to.

Ans.  
I cannot do it.

Ques.

Ques. You know whether he was a white man, indian, Mexican, or what nation.

(Objection by Mr Richardson.)

Ans. I do not ~~know~~ know whether I can answer correctly-- I am about played out.

Ques. State to the best of your knowledge.

~~Ans.~~

Ques. by Court.

You lived with him 20 years--what kind of a man did you think he was.

Ans. Well--I always called him a white man.

Ques. What was his general appearance. Physical &c.,

Ans. You are getting me tangled up.

(The Court had a rest of few minutes.)

Ques. His general appearance--how did he look ?

Ans. He was a farmer ~~is~~ as good an answer as I can give you I reckon.

Ques. His general appearance--how did he look.

Ans. He was tolerable dark skinned--he was tall and as straight as a shingle--dark hair and eyes--high cheeked bones.

Ques. (By Court.) Is that all you can recollect about his appearance.

Ans. Yes, sir.

Ques. Have you ever seen many indians, Mrs. Jones.

Ans. Yes, sir.

Ques. What kind of indians.

Ans. I have seen many ~~kind~~ Indians--Choctaw--Cherokee and Chickasaw too.

Ques. Have you ever heard them talk?

Ans. Well--I have heard them talk some but I could not understand it.

Ques. Did your husband. Mrs. Jones have the appearance of an Indian?

Ans. Well--he did a little bit--yes--he resembled them a little.

Ques. Could your husband talk any indian language?

Ans. Yes, sir, some.

Ques. You have heard him talk indian language, have you.

Ans. Yes, sir.

Ques. Indian  
what language did he talk?

Ans. I cannot tell you.

Ques. Have you ever heard Choctaw.

Ans. Not many--I have heard some few.

Ques. What indian language, if any, did he talk.  
(Objection by Mr Richardson.)

Ans. Well now, I cannot tell you--I never was a great deal among the indians--never seed many.

Ques.

Ques. (By Court,

What you mean to say as, I understand it, is  
you suppose it was some Indian language, but the partic-  
ular language you do not know.

Ans.

Yes, sir--that is about what it was.

Ques.

What language did he tell you it was.  
(Objection by Mr Richardson)

Ans.

Choctaw.

Ques.

How many children did Mr Jones have when you married  
him.

Ans.

Eight.

Ques.

What were there appearance.

Ans.

They all favored their father. Dark skinned and dark  
haired.

Ques.

Did your husband ever go to the Indian Territory ?

Ans.

No, sir--not after we were married--he did not.

Ques.

Do you know of your own knowledge whether he went  
there before you were married.

Ans.

No, sir, I do not.

Ques.

When did you first go to the Indian Territory, Mrs.  
Jones.

Ans.

1883.

Ques.

Where did you first settle?

Ans.

Upon Red River--half mile from the Texas line.

Ques.

How long did you live there.

Ans.

A year--and from the first of July to the first of  
September over.

Ques. Where did you go from there when you left there ?

Ans. Pope County, Arkansas.

Ques. How long did you live in Pope County . Arkansas.

Ans. Well I cannot exactly tell you. A good many year  
though, I came there in 1866 and I reckon I stayed  
there until 1893.

Ques. Then where did you go ? If any where. Did you go  
any where.

Ans. Yes, I went back to the Nation in 1893--to the same  
settlement.

Ques. Who did you live with there.

Ans. I stayed the most of my time with George Scott and his  
wife, and part of the time with John Gamblin. and his  
family.

Ques. Did you make that your home?

Ans. Yes, sir. I made Scott's house my home but I stayed  
part of the time with Gamblins.

Ques. Mrs. Jones, while you were living in Arkansas before  
your husband died, what was the general impression  
as to what race of people he belonged to.

(Objection by Mr Richardson. Question not  
answered.)

Questions by Court.

=====

Ques.

Mrs. Jones where were you married ?

Ans.

In Lumpkin County, Georgia. In 1858.

Ques.

How long had you known your husband ?

Ans.

A little over a year I had been personally acquainted with him.

Ques.

How long had he lived there before you married ?

Ans.

I could not exactly tell you.

Ques.

Did he have all these children ?

Ans.

Yes, sir. He had eight children. Some lived with their Aunt, some with a married brother and two with him.

Ques.

Mrs. Jones, that was in Georgia.

Ans.

Yes, sir. They lived there.

Ques.

What did they do ? Worked on farm or what ?

Ans.

No, sir. The boys worked in a shoe shop. Most of them. The old man and one of them, the youngest, worked on a farm on land which they rented.

Ques.

How many years can you recollect--had you known of him personally ?

Ans.

I cannot recollect.

Ques.



Gross Examination  
by  
Mr. Richardson.  
      

Ques. Where were you born.

Ans. South Carolina.

Ques. Do you remember the year.

Ans. Yes, sir.

Ques. What year ?

Ans. 1817.

Ques. You said you moved to Georgia when you were eight years old.

Ans.. Yes, sir, I did.

Ques. What County in Georgia did you move to ?

Ans. Hall County.

Ques. How long did you live in Hall County ?

Ans. My father moved there when I was about eight years old, and I left there when I was about forty-five.

Ques. Were you married in that County.

Ans. No, sir, I was not.

Ques. Were you married after you left there ?

Ans. I was. After I left Hall County, I was.

Ques. Do you know where your husband was born ?

Ans. In Franklin County, Georgia.



Ques. Do you know what year he was born ?

Ans. 1801.

Ques. Do you know who his father was ?

Ans. His father was Jim Jones.

Ques. Where was Jim Jones born ?

Ans. I cannot tell you.

Ques. Do you know who your husband's mother was ?

Ans. She was a Smith.

Ques. Do you know where she was born.

Ans. No, sir, I do not.

Ques. You were married to your husband in Lumpkin County, Georgia, in 1858.

Ans. I did. (Looks like I have told it enough.)

Ques. You say he was a cousin to Sam Jones ?

Ans. That is what he said he was.

Ques. Did you ever see Sam Jones ?

Ans. No, sir.

Ques. (By Court)  
Do you know anything of Sam Jones except what was told you?

Ans. Not a thing in the world.

Ques. How are you able to say that Sam Jones was a Ghost?

Chief:

Ans.  
Because he said he was.

Ques.(By Court)  
Because who said he was ?

Ans.  
I know nothing about it except what was told me--by  
my husband and old Jim Smith, his Uncle.

Ques.(By Court)  
When was that told you.

Not answered.

Attorney for defendant moves that the testimony of witness  
to the effect that Sam Jones was a Choctaw Chief be stricken  
from the record because it has developed that the testimony  
is hearsay.

The motion is sustained so far as it effects any evidence  
given by the witness based on statements made to her as to the  
Choctaw blood of Sam Jones or any other evidence that the  
Choctaw blood by any of the parties here based on such  
hearsay statements. But, it is overruled as to any state-  
ments made effecting pedigree or birth.

Ques.  
Mrs. Jones, you say your husband was a cousin to Sam  
Jones.

Ans.  
That is always what he told me he was.

Ques.  
Was the relationship of your husband to Sam Jones on  
your fathers side or the mothers side ?

Ans.  
On his fathers side.

Ques.  
Was Sam Jones father a white man or not ?

Ans.  
Yes, sir, he was.

Ques.

Ques. Sam Jones mother was an Indian.

Ans. Yes, sir.

Ques. Your husband was related to Sam Jones through Sam Jones father.

Ans. Of course, ~~their~~ names was Jones.

Ques. Thier names was Jones, you say.

Ans. Yes, sir.

Ques. When Sam Jones moved the indians from Georgia--where did he move them to ?

Ans. I cannot tell you. He moved them to A rkansas somewhere.

Ques. Do you know what year it was that he m oved them.

Ans. No, sir, I do not.

Ques. Who is Walter W. Jones.

Ans. I do not know him. Walter Irwin Jones, I know him. He was Bunk Jones son.

Ques. Who was Bunk Jones. (Or Burk)

Ans. He was old Jim Jones son.

Ques. Was he your step son.

Ans. Yes, sir.

Ques. Where was Bunk Jones born.

Ans. In Georgia.

Ques. Is this Walter Irwin Jones you are talking about Bunk Jones son.

Ans. Yes, sir.

Ques. Where was Walter Jones born.

Ans. In Georgia.

Ques. Were they all born in Georgia.

Ans. Yes, sir, of course they were all born in Georgia.  
(She is getting very tired)

Ques. Did the Jones' ever live in Mississippi before they  
stopped there and made a crop ?

Ans. No, sir, not that I know of.

Ques. Did this Sam Jones who was a cousin of your fathers live  
in Georgia.

Ans. I cannot tell you that.

Re-Direct.

Ques. Mrs. Jones, some time during the summer did Mr Richardson come out to see you.

Ans. Yes, sir.

Ques. Did you not on that occasion tell him that your husband, Jim Jones, was a Choctaw Indian.

Objection. Objection su s tained.

Ans. Of course I did.

Ques. by Court. Did you make that statement to council based on what your husband told you or upon your own knowledge ?

Ans. Upon what my husband told me.

Ques. (~~By Court~~) By Court. All the statements you have ever made were based on what your husband told you and nothin g else.

Ans. Upon what my husband told me and nothing else.

Ques. You may tell what Mr Richardson said to you when he came out here to see you.

Ans. He said so many things I could not tel l all. The first thing he said was--Do you know Walter W. Jones, and I said I did, of course I did and I know ed he had the name wrong but I did not try to correct it.

Ques. Did he tell you that they had made app lication as Chickasaw indians.

Ans. He did.

Ques. Now what else. What did you say.

Ans. I told him--"he was off of his crazip". Now that is just what I told him.

Ques. By Court.

Did you tell him all that from what your  
husband told you and nothing else.

Ans.

I did.

By Court.

As I understand you--you have endeavored to tell the  
Court to the best of your recollection all that you know  
of this matter.

Ans.

I have.

Mr. John H. Gamblin, witness for plaintiff heretofore sworn  
testifies as follows, to-wit:

Ques. How old are you Mr Gamblin ?

Ans. Fifty-eight years old.

Ques. Where were you born.

Ans. In Georgia.

Ques. Where were you married, Mr Gamblin.

Ans. In Catoosa County, Georgia.

Ques. Whom did you marry ?

Ans. Liza Ann Jones.

Ques. Who was her father ?

Ans. James Jones.

Ques. What was his full name ?

Ans. James L. Jones.

Ques. Did he sometimes go by the name of Jim J ones ?

Ans. Yes, sir.

Ques. Who were you married by, Mr Gamblin?

Ans. I forget his name.

Ques. What was he--a magistrate or Justice of Peace.

Ans. He was a Justice of Peace.

Ques. Did you obtain license.

Ans. I did. (18)



Ques. (By Court)  
According to the laws of Georgia ?

Ans. Yes, sir.

Ques. Is your wife still living.

Ans. Yes, sir.

Ques. You and she are living together as husband and wife ?

Ans. Yes, sir.

Ques. Where do you live ?

Ans. Near Duncan, in the Chickasaw Nation, Indian Territory.

Ques. How long have you lived there ?

Ans. Fourteen years.

Ques. When did you leave Georgia ?

Ans. In 1867.

Ques. Where did you go to from there ?

Ans. I went to Corinth, Mississippi, then Tishomingo, County.

Ques. How long did you stay in Mississippi.

Ans. Hardly a year.

Ques. Where did you go when you left Mississippi ?

Ans. I went from Mississippi to Arkansas.

Ques. What place in Arkansas.

Ans. To Russellville.

Ques. How long did you live there ?

Ans. I lived there about fifteen years.

Ques. Where did you go when you left Russellville, Arkansas?

Ans. I went to the Red River in Indian Territory, nine miles north of Gainsville, Texas. Cook County.

Ques. How long did you stay there?

Ans. Only one year.

Ques. Where did you go to when you left there?

Ans. I went back to Russellville, Arkansas.

Ques. How long did you live at Russellville, Arkansas.

Ans. The last time.

Ques. Yes.

Ans. I think about three years.

Ques. Mr Gamblin what was the condition of the Territory while you were there.

Objection.

Ans. Well, I do not exactly understand the question. As to the ~~condition~~ civilization.

Ques. Yes.

Ans. Well, it was not a desirable place to live.

Ques. What was your reason for moving back to Russellville, Arkansas.

Ans. So that I could send my children to school.

Ques. Where did you go from Russellville, Ark.

Ans. I went to where I now live which has been fourteen years ago.

Ques. Have you and your family been living there continuously since that time.

Ans. Yes, sir.

Ques. Do you own property in the Indian Territory.

Ans. Yes, sir.

Ques. Mr Gamblin, were you acquainted with Jim Jones.

Ans. Yes, sir.

Ques. How long did you know him.

Ans. I have known him since 1862, I lived near him in Georgia and in Arkansas until he died.

Ques. Are you fairly well acquainted with Indians.

Ans. Well pretty well.

Ques. Have you seen a good many.

Ans. Yes, sir.

Ques. State from your knowledge of Indians and your acquaintance with Jim Jones, if you know whether or not he was an indian.

Objection.

Question objected to because the witness is not qualified to testify as an expert and because his testimony cannot be but an opinion or a conclusion.

Court.

I think the objection is well taken but let him answer it subject to the objection. (21)

Ans. From my knowledge of Indians I would take him to be a quarter-Indian.

Ques. What was his general appearance.

Ans. He was dark had high cheek bones.

Ques. What was the color of his hair ?

Ans. Black.

Ques. Mr Gamblin can you tell a Chickasaw from a Choctaw?

Ans. Well yes, I think I can.

Ques. Have you heard them talk.

Ans. Yes sir.

Ques. Can you recognize Choctaw language when you hear it?

Ans. Some words I can.

Ques. Some words of the Choctaw language you understand?

Ans. Yes, sir.

Ques. Did you ever hear Jim Jones speak Indian language?

Ans. Yes, sir.

Ques. State, if you know, what language he spoke?

Ans. He spoke words words that I have heard Choctaw speak.

Ques. The same words.

Ans. Yes, sir.

Ques. Have you, or have you not, had a great deal of acquaintance with Indians.

Ans. Yes, sir. I have been dealing with the Choctaws about two years.

Ques. You may state if you know whether or not Jim Jones was a Choctaw Indian.  
Objection.

Ans. He was so recognized. I do not know personally.

Ques. I believe I asked if you spoke Choctaw language.

Ans. Yes.

Ques. You and your family are descendants of Jim Jones.

Ans. My wife is his daughter.

Ques. Have you had or have you not had the privileges of Choctaw Indians since you have been in the Indian Territory.  
Objection.

Ques. Have permits been issued to you by Choctaw authorities.

Ans. Yes, sir.

Ques. (By Court) Have you any permits?

Ans. Objection.

Ans. Yes, sir.

Ques. (By Mr Richardson.) Were not those permits issued to you after you were admitted by the United States Court in 1897.

Ans. They were issued before.

Ques. Have you or have you not been enjoying the rights of the Indians in the Chickasaw Nation up to the present time.

Ans. Objection.  
Objection sustained.

Ans. Yes, sir. (23)

Ques. by Court.

You say this Mr Jim Jones looked like a quarter roon Indian.

Ans.

Yes, sir.

Ques.

Can you tell the difference of your ow n knowledge between a quarter roon Chickasaw, Choctaw, Creek or Cherokee.

Ans.

I do not know that I can.

Ques.

You say you heard him, Jim Jones, speak words a white man learned to be Choctaw.

Ans.

Yes, sir.

Ques.

Is that language similar to the Chickasaw.

Ans.

No, sir, not the same.

Ques.

Are the two languages according to you r knowledge, similar to each other.

Ans.

They appear to be.

Ques.Y

You know nothing about the Cherokee language.

Ans.

No, sir, I do not.

Ques.

How do you know that it was not Chero kee.

Ans.

Because I have heard the Choctaw speak the same language I have heard Jones speak.

Ques.

Are you claiming intermarried citizenship in the Choctaw Nation.

Ans.

Yes, sir.

Ques.

You were not married under the laws of the Choctaw Nation.

Ans. No, sir.

Ques. You were married in Georgia.

Ans. Yes, sir.

Ques. Under the laws of Georgia.

Ans. Yes, sir.

Ques. This man, Jim Jones, whose daughter you married you knew for twenty years up to the time of his death.

Ans. Yes, sir.

Ques. First in Georgia, then in Mississippi and then in Arkansas, where Jim Jones died.

Ans. Yes, sir.

Ques. What was Jim Jones engaged in at the time of his death.

Ans. He was not doing anything, he was too old.

Ques. What did he do in Mississippi?

Ans. Farmed.

Ques. In Georgia.

Ans. Farmed.



Cross Examination.

Ques. You first moved into the Indian Territory in what year?

Ans. I think it was about 1884 or 1885.

Ques. You say that conditions were not ideal in the Indian Territory and you moved back to Arkansas.

Ans. Yes, sir.

Ques. You moved back to send the children to school.

Ans. Yes, sir.

Ques. (By Court)  
Did your wife come back for the same purpose?

Ans. Yes, sir.

Ques. You found that the Indian Territory was not a desirable place to live.

Ans. It was not at that time.

Ques. And so, although you claim to be an inter-married Choctaw citizen and claim your title under the treaty of 1830, yet because you did not think the Choctaw Nation a desirable place to live you chose not to live there and bear the burdens of the tribal Government and help to make it a desirable place in which to live but returned to the States and after the Indians had overcome the difficulties moved back to reap the advantages of it. That was a fact was it?

Ans. No, sir. The fact was, I went back to school my children for about four years and then went back to where I came from in the Indian Territory.

Ques. Did you not know when you went back to the Indian Territory that you was going to school your children.

Ans. Yes, sir, I always knew that.

Ques. What made you go then ?

Ans. I did not know the disadvantage of school until I got there.

Ques. If you had have known that you would not have gone, would you?

Ans. Not for a while I would not.

Ques. What was your idea in going to the Indian Territory, anyway.

Ans. I went there because I thought it would suit me much better.

Ques. Just went there to live like you live here.

Ans. Yes, sir. If I could.

Ques. Did you help get this case up at the start.

Ans. Yes, sir.

Ques. Did you take the affidavit of Hiram Livingston?

Ans. Yes, sir.

Ques. Do you know Hiram Livingston ?

Ans. Yes, sir, I know him.

Ques. Did you take his affidavit.

Ans. I did not, but my attorneys did I suppose.

Ques. Your attorneys took Hiram Livingston affidavit ?

Ans. Yes, sir.

Ques. Do you know where Hiram Livingston was born ?

Ans. I do not only from hearsay. Ques. Where did you hear he was born. Ans. In Indiana.

Ques. Reads affidavit of Hiram Livingston.

At the time that affidavit was taken you knew that Hiram Livingston had never lived in Georgia and did not know these parties.

Ans. Well know, I did not know anything about it.

Ques. Y  
You knew Hiram Livingston when he lived over here in Pope County did you.

Ans. I had seen him.

Ques. He was quite an old man was he not.

Ans. Yes, sir.

Ques. Did you not make a trade with Hiram Livingston by which you agreed to support him the rest of his life if he would give testimony in your behalf in this case.

Ans. I did not. At no time there in Arkansas or anywhere else.

Ques. Do you know the Coopers and Browns and are they claiming citizenship.

Ans. Yes, sir. I know them.

Ques. You say you can tell a Choctaw from a Chickasaw.

Ans. I think I can.

Ques. How can you tell the difference? What is the difference?

Ans. They do not speak the same language.

Ques. Any other way you can tell the difference?

Ans. No, there is no other way.

Ques. Do you speak the Chickasaw language.

Ans. I do not.

Ques. Do you understand it.

Ans. No, sir, only some words I hear them speak is all.

Ques. You stated in your direct examination that you understood some Choctaw.

Ans. I understand some words, I have been dealing with them for several years.

Ques. Where do you live, in what Nation?

Ans. In the Chickasaw Nation.

Ques. Yet all <sup>your</sup> ~~the~~ dealings has been with the Choctaw and the only language you know anything about is the Choctaw language.

Ans. I know some Chickasaw words that they speak.

Ques. Now tell us what are they.

Ans. I do not know that I can call to mind.

Ques. Now just tell me what <sup>Chickasaw</sup> ~~Choctaw~~ words you know.

Ans. I cannot call to mind

Ans. I cannot call to mind--I hear some words that I understand what he means.

Ques. Can you tell me, can you speak, or say, one single word Chickasaw word to me now.

Ans. I answered that direct once. That I cannot call to mind. When I hear them I know them.

Ques. by Court. I want to know of you how it is that you can undertake to tell me here that you can tell Chickasaw words that a man speaks and you cannot speak one single Chickasaw word that you know.

Ans. I have been dealing with the Choctaws and ~~xxx~~ would go to the Chickasaw to interpret and I would then know that those were the Chickasaw words.

Ques. Give me one single Chickasaw word.

Ans. I cannot call to memory one.

Ques. You said you understood the Choctaw language.

Ans. I said I understood some words spoken.

Ques. Can you say one single word.

Ans. I thought I had answered both. That I cannot call to memory.

Ques. by Court. Give me one single Choctaw or Chickasaw word that you know or understand.

Ans. I cannot give you one, if I should hear a Choctaw or Chickasaw word I would know it.

Ques. How are you able to state that Jim Jones talked the Choctaw language ?

Ans. I have heard him say things that I have heard the Choctaw say.

Ques. What words have you heard him say that you have heard the Choctaw say.

Ans. I have heard him call a dog "Hiss" that I have heard a Choctaw say. That is the only word that I have heard a Choctaw say that I can call to memory.

Ques. You undertake to say that the word "Hiss" is the Choctaw word for dog.

Ans. That is what I have heard them call it .

Ques. Are there any other words you know.

Ans. No, sir.

Ques. Do you think if I would speak a Chickasaw word or a Choctaw word you would know what I mean.

Ans. Some of them I might.

Ques. As a matter of fact, do you <sup>not</sup> know that there is no difference between the Choctaw and Chickasaw language.

Ans. No, sir.

Re-direct.

Ques.

Mr Gamblin, it is not an impossibility for a man who cannot speak the Choctaw or Chickasaw language to be able to distinguish Choctaw from Chickasaw in a general way.

Objection.

Ans.

No, sir.

Ques.

Do you know anything of the antecedents of Jim Jones, who his mother was and his father.

Ans.

No, I was not acquainted with them.

Ques.

Have you ever been told.

Ans.

Yes sir, he has told me.

Ques.

What did he tell you.

Ans.

His father was Jim Jones and his mother's name was Smith.

Ques.

Do you know who his grand father was.

Ans.

No, I do not recollect.

Ques.

Did he ever tell you who his grand mother was,

Ans.

I do not recollect that he did.

Ques.

Did you come from Georgia to this country with Jim Jones.

Ans.

Yes, sir.

Ques.

Do you know anything about his ever coming here before.

Ans.

Nothing only what he told me.

Ques.

What was it he told you.

Objection.



Ques. Did he tell anything to you about his relation to Sam Jones.

Ans. Yes, he said he was a cousin to Sam Jones.

Ques. Did he tell how the relation came.

Ans. Said his father and Sam's father was brothers.

Ques. Did he tell who Sam Jones father was.

Ans. If he did I do not recollect it.

Ques. Anything about who Sam Jones mother was.

Ans. I do not remember it if he did.

=====

By MR Richardson.

Ques. Is that Sam Jones that resides at Cartersville, Georgia,

Ans. No, sir, I suppose not. I don't reckon it is. (?)

*Demo No. 56.*

No. *148*

**United States Court,**  
INDIAN TERRITORY,

*District.*

*vs.*

**TRANSCRIPT OF PROCEEDINGS IN SUIT.**

## TRANSCRIPT OF PROCEEDINGS.

United States Court,

INDIAN TERRITORY,

SS:

Southern

District.

At a stated term of the United States Court in the Indian Territory, Southern District, begun and had in the Court Rooms, at Ardmore, in the Indian Territory, on the 15th day of November, in the year of our Lord one thousand eight hundred and ninety-seven

Present, the Hon. Hosea Townsend, Judge of said Court.

On the 17th day of January, 1898, being a regular

day of said term of said Court, among the proceedings had were the following, to wit:

\*\*\*\*\*  
Walter W. Jones

§

vs.

§

J U D G M E N T.

Choctaw Nation.  
\*\*\*\*\*

§

This cause coming on to be heard on this the 17th day of January, 1898, upon the pleadings, evidence, Master's report and exceptions thereto and it appearing to the Court therefrom that the parties herinafter named are entitled to citizenship in the Choctaw Nation of Indians and to have their names enrolled on the rolls of said Nation as members thereof and it appearing further that they have duly complied with the laws in the prosecution of the application for citizenship and have fully met every requirement therefor.

It is therefore ordered, decreed and adjudged that the exceptions to the Master's report be overruled and the Master's report be confirmed in all respects and that the following named parties be, and the same are hereby admitted to citizenship in the Choctaw Nation of Indians as citizens thereof, and their names be enrolled on the rolls of the said Nation, to-wit:

Francis Jones, Brinkley Wilbourn Jones, William Albert Jones, Rutherford Penymore Jones, Mary Melinda Jones, Amanda Melvina Jones, Carrie Pernicia Jones, Eliza Ann Jones, John Gandy Jones, Walter W. Jones, Fitz Hugh Lee Jones, Ruby Estella Jones, Minnie Cletus Jones, Capitela Jones, Victoria Jones, Elizabeth May Jones, Minnie Mildred Jones, Charles

United States Court,

INDIAN TERRITORY,

Southern District.

ss:

I, C. M. Campbell, Clerk of the United States Court within  
and for the District and Territory aforesaid, do hereby certify, that the foregoing  
orders are truly taken, and correctly copied from Court Journals of said Court, as  
the same appears to me.

In Testimony Whereof, I have hereunto set my hand and affixed

the Seal of said Court, at Ardmore

this fourth day of May, A. D. 1898

C. M. Campbell

Clerk.

By \_\_\_\_\_, Deputy.

X

#107.

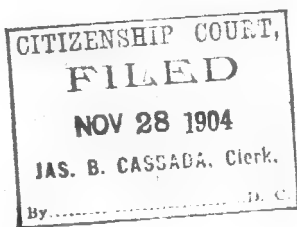
Walter W. Jones, et al

vs -

Choctaw & Chickasaw  
Nations -

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Opinion



TV ✓

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,  
SITTING AT TISHOMINGO, INDIAN TERRITORY.

NOVEMBER TERM, 1904.

=====

Walter W. Jones, et al.,

vs.

No. 107.

Choctaw and Chickasaw Nations.

OPINION, By Adams, Chief Judge.

This case comes to this court upon appeal from the United States Court for the Southern District of the Indian Territory.

All of the applicants claim to be Choctaw Indians by blood, except such as claim their rights to citizenship in the Choctaw Nation by reason of their intermarriage. In other words, all the applicants claim to derive their right to citizenship in the Choctaw Nation by reason of their descentance, or having married a descendant of one James Lewis Jones, whom they allege was at least a one quarter Choctaw Indian by blood. So the first question to determine is, was James L. Jones a Choctaw Indian by blood, and if so was he such a Choctaw Indian as would entitle his descendants to citizenship in the Choctaw Nation. I find from the evidence that James L. Jones was born in Franklin County, State of Georgia, in the year 1801; that he moved from the State of Georgia, with his family, to Tishomingo County, Mississippi, about the years 1869 or 1870, where he remained just long enough to make a crop, when he moved to Polk County, Arkansas, reaching there about the year 1870 or 1871, where he lived until the year of

• *where*  
1880, when he died; that none of the applicants came to the Indian Territory prior to 1890 or 1893.

The applicants introduced certain records of the Government, on file in the Indian Department at Washington city for the purpose of showing that there was a James Jones on the muster roll of Choctaw Indians, and that there was a James Jones who took land under the 19th article of the treaty of 1830. These records disclose the fact that upon the muster rolls of the Choctaw ~~tribe~~ Indians belonging to the Red River District the name of James Jones appears that ~~the~~ James Jones took land in the State of Mississippi under the 19th article of the treaty of 1830, but there is not a scintilla of evidence offered this court that even tends to show that James L. Jones, who was the ancestor of these applicants was one and the same person whose name appears upon these records above referred to.

The evidence is not sufficient to show that the James L. Jones, who was the ancestor of these applicants was a Choctaw Indian. If the evidence did show this fact there is no evidence which tends to show that the applicants or their ancestors complied with, or attempted to comply with, the provisions of the treaty of 1830. There is no evidence that the applicants or their ancestors were ever in any way connected with the tribe of Indians known as the Choctaw tribe, until after the principal applicant came to the Territory.

The application of the applicants is , therefore, denied.



A judgment will be entered in accordance with this  
opinion.

Spencer B. Edwards  
Chief Judge.

We concur:

Walter L. Newman  
Associate Judge.

Henry D. Hoot  
Associate Judge.

TVE. V

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO, IN THE INDIAN TERRITORY,  
NOVEMBER TERM, 1904.

Walter W. Jones, et al.,

vs. No. 107.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 28th day of November, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, Francis Jones or Frances Jones, Mary Melinda Jones, Walter W. Jones, Fitzhugh Lee Jones, Ruby Estella Jones, Minnie Cletus Jones, Lovis Francis Scott or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCay Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners, Jennie Jones, Larie Francis Scott, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, Brinkley Welbourn Jones, Wm. Albert Jones, Rutherford Pennymore Jones, Amanda Melvinia Jones, Carrie Pernicia Jones, John Gandy Jones, Capitola Jones, Victoria Jones, Elizabeth May Jones, Minnie Mildred Henson, (nee Jones), or Minnie Mildred Jones, Charlie Marion Jones, Sallie Fisher Jones, William

James Jones, Garland Rutherford Jones, Reandes Jones or  
Reandis Jones, Nellie Rutherford Jones, Glennie Scott,  
Robert J. Jones, Sallie M. Jones, William Oscar Jones,  
George D. Jones, Walter J. Jones, Mary A. Jones, Lilburn B.  
Jones, Pearlle V. Jones, Lizzie B. Jones.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
the petition of the plaintiffs, Francis Jones or Frances  
Jones, Mary Melinda Jones, Walter W. Jones, Fitzhugh Lee  
Jones, Ruby Estella Jones, Minnie Cletus Jones, Lovie Francis  
Scott or Lovie Francis Scott, Hattie Myrtle Scott, Minnie  
Robert Scott, Anlie McCay Scott or Archie McCay Scott, James  
Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin,  
Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H.  
Gamblin, be denied, and that they be declared not citizens  
of the Choctaw Nation, and not entitled to enrollment as such  
citizens, and not entitled to any rights whatever flowing  
therefrom; and as to the petitioners, Jennie Jones, Larie  
Francis Scott, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann  
Jones, Brinkley Welbourn Jones, Wm. Albert Jones, Rutherford  
Pennymore Jones, Amanda Melvina Jones, Carrie Pernicia Jones,  
John Gandy Jones, Capitola Jones, Victoria Jones, Elizabeth  
May Jones, Minnie Mildred Henson (nee Jones), or Minnie Mild-  
red Jones, Charlie Marion Jones, Sallie Fisher Jones, William  
James Jones, Garland Rutherford Jones, Reandes Jones or Rean-  
dis Jones, Nellie Rutherford Jones, Glennie Scott, Robert J.  
Jones, Sallie M. Jones, William Oscar Jones, George D. Jones,  
Mary A. Jones  
Walter J. Jones, Lilburn B. Jones, Pearlle V. Jones and Liz-

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zie B. Jones, the Court having no jurisdiction, their petition  
is dismissed.

.....*Jerre B. Sellers*.....  
Chief Judge.

.....*Walter L. Weaver*.....  
Associate Judge.

.....*H. S. Hoot*.....  
Associate Judge.

# **CORRECTION**

**THESE DOCUMENTS  
HAVE BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

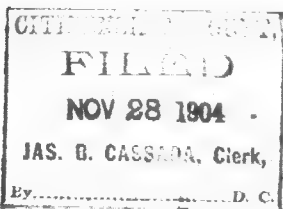
#107.

Walter N. Jones, et al.,  
vs-

Chetawauk Cheenassaw  
Nations.

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TVE. V

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO, IN THE INDIAN TERRITORY,  
NOVEMBER TERM, 1904.

Walter W. Jones, et al.,  
vs. No. 107.  
Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 28th day of November, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, Francis Jones or Frances Jones, Mary Melinda Jones, Walter W. Jones, Fitzhugh Lee Jones, Ruby Estella Jones, Minnie Cletus Jones, Lovis Francis Scott or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCay Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners, Jennie Jones, Larie Francis Scott, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, Brinkley Welbourn Jones, Wm. Albert Jones, Rutherford Pennymore Jones, Amanda Melvinia Jones, Carrie Pernicia Jones, John Gandy Jones, Capitola Jones, Victoria Jones, Elizabeth May Jones, Minnie Mildred Henson, (nee Jones), or Minnie Mildred Jones, Charlie Marion Jones, Sallie Fisher Jones, William



James Jones, Garland Rutherford Jones, Reandes Jones or Reandis Jones, Nellie Rutherford Jones, Glennis Scott, Robert J. Jones, Sallie M. Jones, William Oscar Jones, George D. Jones, Walter J. Jones, Mary A. Jones, Lilburn B. Jones, Pearlle V. Jones, Lizzie B. Jones.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, Francis Jones or Frances Jones, Mary Melinda Jones, Walter W. Jones, Fitzhugh Lee Jones, Ruby Estella Jones, Minnie Cletus Jones, Lovis Francis Scott or Lovis Francis Scott, Hattie Myrtle Scott, Minnie Robert Scott, Anlie McCay Scott or Archie McCay Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Jennie Jones, Larie Francis Scott, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, Brinkley Welbourn Jones, Wm. Albert Jones, Rutherford Pennymore Jones, Amanda Melvina Jones, Carrie Pernicia Jones, John Gandy Jones, Capitola Jones, Victoria Jones, Elizabeth May Jones, Minnie Mildred Henson (nee Jones), or Minnie Mildred Jones, Charlie Marion Jones, Sallie Fisher Jones, William James Jones, Garland Rutherford Jones, Reandes Jones or Reandis Jones, Nellie Rutherford Jones, Glennis Scott, Robert J. Jones, Sallie M. Jones, William Oscar Jones, George D. Jones, Mary A. Jones, Walter J. Jones, Lilburn B. Jones, Pearlle V. Jones and Lizz-

zie B. Jones, the Court having no jurisdiction, their petition  
is dismissed.

.....*Jesse B. Sellers*.....  
Chief Judge.

.....*Walter L. Weaver*.....  
Associate Judge.

.....*H. S. Hoot*.....  
Associate Judge.

COPY

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DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

DE C I S I O N.

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John H. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1902) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie P. Scott (twenty-four years of age), and her four minor children, Hattie M. (seven years of age), Minnie R. (four years of age), Archie M. (two years of age) and Glennia Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Icy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de nove, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . . . Mary Malinda Jones . . . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . . . Glennis Scott, . . . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the commission to the five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

Traces entered January 23, 1905, the Commission to the five civilized Tribes entered January 23, 1905, orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw citizenship court.

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

Applications were made to the Commissioner to the five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Icy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de nove, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . Mary Malinda Jones . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . Glennis Scott, . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1905, the Commission to the five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw citizenship court.



February 1, 1905, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, The Commission to the five civilized Tribes denied the application for the enrollment of glennis scott as a citizen by blood of the Choctaw Nation, and on March 13, 1905 (I. T. D. 1958-1905), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icey Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Hattie Skelton (nee gamblin), George Scott, Lovie Scott, Myrtle (or Hattie Myrtle) scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Icey Dorrance, George scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 stats., 495), or April 26, 1906 (34 stats., 137).

It does not appear from the record herein or from the records in the possession of this office that nay application has ever been made for the enrollment of Orange Dorrance and Icey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George scott as a citizen by intermarriage of the Choctaw Nation prior to december 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neigher of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Hattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny gamblin and Fred gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Hattie M. Scott, Minnie R. scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Dural skelton and Icy Skelton, are the children of the applicant, Hattie L. Gamblin (now Hattie Lovenia Skelton), and James W. Skelton, a non-citizen.



It further appears from the record herein that John H. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the state of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John H. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary M. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10353-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Penny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Penny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

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Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John H. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petition should be dismissed, and it is so ordered.

SIGNED *Tams Bixby*

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

Muskogee, Indian Territory, September 11, 1900

H. B. Lockett,

Attorney at Law,

Comanche, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 3rd instant, enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Clarence Reed, the infant son of Archie and Tena Reed, born July 2nd, 1899 and the same is returned to you herewith, for the reason that there are errors in the preparation of this affidavit that will make it inadmissible as evidence with this Commission.

You will notice that in the application and in the affidavit of the physician that the date of the birth of this child is stated to be July 2, 1899 while in the affidavit of the mother the date of the birth is given as July 2, 1900. The Notary Public in acknowledging the affidavit of W. T. Howell, states that the same was subscribed and sworn to before him on the 25th day of October, 1900. This will be inadmissible for the reason that this date is in the future and such an acknowledgement could not have been taken on the date stated thereon.

It will also be necessary to identify the mother of this child as having been listed for enrollment by this Commission as a citizen of the Choctaw Nation. You are requested to state her full name, when and where she was so listed, whether or not she was admitted to citizenship by a judgment of the United States Court,

H. B. L. 2--

the names of other members of her family who were listed for enrollment at the same time and any other information that may lead to her identification.

The records of this Commission show that Amanda L. Reed, 21 years of age and the daughter of John H. Gambling, has been listed for enrollment as a citizen of the Choctaw Nation, in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory in court case No. 148, but the difference in the names of Tema and Amanda L. Reed is too great to allow the Commission to identify these two names as belonging to the same person.

There is enclosed you herewith a new application, which when filled out in proper form and forwarded to the Commission, will receive further consideration.

Yours truly,

Acting Chairman.

Enc a

In reply please refer  
to 7-5039

Muskogee, Indian Territory, July 28, 1902.

H. B. Lockett,  
Attorney at Law,  
Guanache, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing the application for enrollment as a citizen of the Choctaw Nation of Glenn Reed, infant son of A. J. and Amanda E. Reed, born September 10, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

James W. Gamblin,

Comanche, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, granting the application for your enrollment and for the enrollment of Fred Gamblin as citizens by blood of the Choctaw Nation and for the enrollment of Lillie Gamblin as a citizen by intermarriage of said nation.

You are hereby advised that the names of James W. Gamblin and Fred Gamblin will be placed upon a schedule of citizens by blood of the Choctaw Nation and the name of Lillie Gamblin as a citizen by intermarriage of said nation, to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Incl. C-52

Registered.



C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

Arch Reed,

Duncan, Indian Territory

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, dismissing the petition for your enrollment as a citizen of the Choctaw Nation and granting the application for the enrollment of Amanda L. Reed, Archie Reed, Glenn Reed, Annie Kehla Reed, and Joseph Rexford Reed as citizens by blood of the Choctaw Nation.

You are hereby advised that the names of Amanda L. Reed, Archie Reed, Glen Reed, Annie Kehla Reed and Joseph Rexford Reed will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.

Incl. C-52



C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

Joseph W. Gamblin,  
Duncan, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, granting the application for your enrollment and for Indianola Gamblin as citizens by blood of the Choctaw Nation, for the enrollment of Emma Gamblin as a citizen by intermarriage of said Nation, and dismissing the petition for the enrollment of Orange Dorrance and Icey Dorrance as citizens of the Choctaw Nation.

You are hereby advised that the names of Joseph W. Gamblin and Indianola Gamblin will be placed upon a schedule of citizens by blood of the Choctaw Nation, and the name of Emma Gamblin as a citizen by intermarriage of said Nation, to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Jams Bixby*

Commissioner.

Registered.  
Incl. C-52

C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

John H. Gamblin,

Comanche, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, dismissing the petition for your enrollment as a citizen of the Choctaw Nation and granting the application for the enrollment of James W. Gamblin, Hattie L. Gamblin and Benny Gamblin as citizens by blood of said Nation.

You are hereby advised that the names of James W. Gamblin, Hattie L. Gamblin and Benny Gamblin will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Incl. C-52.

Registered.

C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

James W. Skelton,  
Comanche, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, granting the application for the enrollment of Hattie L. Gamblin, William Deral Skelton and Icy Skelton as citizens by blood of the Choctaw Nation.

You are hereby advised that the names of Hattie L. Gamblin, William Deral Skelton and Icy Skelton will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. C-52  
Registered.

C-12

COPY

Muskogee, Indian Territory, February 14, 1907 .

Mary M. Jones,

Tatum, Indian Territory;

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, dismissing the petition for your enrollment as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case , is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jama Bixby*

Commissioner.

Registered.  
Incl. C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

George Scott,

Comanche, Indian Territory:

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, dismissing the application for your enrollment as a citizen of the Choctaw Nation and granting the application for the enrollment of Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennis Scott, Lovie F. Scott and Roy Scott as citizens by blood of the Choctaw Nation.

You are hereby advised that the names of Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennis Scott, Lovie F. Scott and Roy Scott will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Irene Bixby*

Commissioner.

Registered.  
Incl. C-52

C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

Eliza Ann Gamblin,

Duncan, Indian Territory:

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, granting the application for your enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Eliza Ann Gamblin will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.  
Incl. C-52

C-52.

COPY

Muskogee, Indian Territory, February 14, 1907.

Gilbert & Bond,  
Attorneys at Law,  
Duncan, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, February 14, rendered his decision granting the application for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said Nation and dismissing the petition for the enrollment of John H. Gamblin and Mary M. Jones, Orange Derrance, Icy Derrance, George Scott and Arch Reed as citizens of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision will be placed upon a schedule as citizens.



42  
GABL

by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.

Ind. C-52

COPY

Muskogee, Indian Territory, February 14, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at law:

Ardmore, Indian Territory:

Gentlemen:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, February 14, rendered his decision granting the application for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Raxford Reed as citizens by blood of the Choctaw Nation, for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said Nation and dismissing the petition for the enrollment of John H. Gamblin and Mary M. Jones, Orange Dorrance, Icy Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision will be placed upon a schedule as citizens

#2.

C.C. & B.

by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval.

You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Incl. C-52

Muskogee, Indian Territory, February 14, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, granting the application for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said Nation and dismissing the petition for the enrollment of John H. Gamblin, Mary M. Jones, Orange Dorrance, Iocy Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision will be placed upon a schedule as citizens

M. McMeC.

by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Jane Bixby*

Commissioner.

Registered.  
Incl. C-52

Muskogee, Indian Territory, February 15, 1907.

The Honorable,

The Secretary of the Interior. 

Sir:

I have the honor to transmit herewith the record in the matter of the petition of John H. Gamblin et al., for rehearing in their citizenship case in accordance with the ruling of the Department in the Choctaw enrollment case of Loula West et al., (I.T.D. 3693-1905), together with my decision of February 14, 1907, granting the applications for the enrollment of certain of the persons named therein, and dismissing the applications for the enrollment of John H. Gamblin and Mary M. Jones as citizens by intermarriage of the Choctaw Nation.

I have also the honor to transmit herewith, the following schedules containing the names of those whose applications for enrollment were granted in my decision of February 14, 1907, above referred to:

Citizens by blood-----Nos. 16181 to 16196, inclusive.  
Citizens by marriage-----Nos. 1661 and 1652, respectively.  
Minor citizens by blood--Nos. 925 to 928, inclusive.

The case of John H. Gamblin et al., is analogous with the case of Mattie Shockley et al. (Loula West case), which was the subject of Departmental letter of January 15, 1907 (I.T.D. 25855-1906), 813-1907), in which this office was advised that the case of Mattie Shockley et al., had been, by direction of the

Secretary 2.

President, referred to the Attorney General for his opinion. In the event the opinion of the Assistant Attorney General is affirmed by the Attorney General and my decision of February 14, 1907 is affirmed by the Secretary of the Interior, I have the honor to request that the schedules herewith transmitted, be approved by the Department.

CITIZENS BY BLOOD OF THE CHOCTAW NATION.

NO.	NAME.	ROLL COUNTY	REMARKS.
16181	Reed, Amanda L.	1896 Blue	
16182	Reed, Archie		Daughter of Number 16181
16183	Reed, Glenn		Son of number 16181.
16184	Scott, Lovie P.	1896 Atoka	
16185	Scott, Hattie M.	1896 Atoka	
16186	Scott, Minnie R.	1896 Atoka	
16187	Scott, Archie M.	1896 Atoka	
16188	Scott, Glennis		Daughter of number 16184
16189	Scott, Joseph A.		Son of number 16184
16190	Scott, James T.		Son of number 16184
16191	Gamblin, Eliza Ann	1896 Blue	
16192	Gamblin, Joseph W.	1896 Blue	
16193	Gamblin, Indianapolis	1896 Blue	
16194	Gamblin, James W.	1896 Blue	



Secretary 3.

16195 Gamblin, Hattie L.

1896 Blue

16196 Gamblin, Benny

Son of number 16194.

CITIZENS BY MARRIAGE OF THE CHOCTAW NATION.

NO.	NAME.	ROLL COUNTY.	REMARKS.
1651	Gamblin, Emma	1896 Blue	Wife of Joseph W. Gamblin Choctaw roll number 16192
1652	Gamblin, Lillie		Wife of James W. Gamblin, Choctaw roll number 16194.

Secretary 4.

MINOR CITIZENS BY BLOOD OF CHOCTAW NATION.

NO.	NAME.	REMARKS.
923	Skelton, William Deral	Son of Hattie Lovenia Skelton (enrolled as Hattie L. Gamblin), Choctaw roll number 16195.
924	Skelton, Icy	Daughter of Hattie Lovenia Skelton (enrolled as Hattie L. Gamblin), Choctaw roll number 16195.
925	Gamblin, Fred	Son of James W. Gamblin, Choctaw roll number 16194.
926	Scott, Roy	Son of Lovie F. Scott, Choctaw roll number 16184.
927	Reed, Annie Kehla	Daughter of Toma Reed (enrolled as Amanda L. Reed), Choctaw roll number 16181.
928	Reed, Joseph Rexford	Son of Toma Reed (enrolled as Amanda L. Reed), Choctaw roll number 16181.

Respectfully,

Tams Bixby,  
Commissioner.

Through the  
Commissioner of Indian Affairs.

18 inclosures.

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 23, 1907, (I.T.D. 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, I have the honor to report that on February 15, 1907, there were forwarded the Department schedules comprising the names of persons whose applications for enrollment were granted February 14, 1907, in the Choctaw enrollment case of John H. Gamblin et al. as follows:

Schedules of

Choctaws by blood 16181 to 16196 inclusive.

Choctaws by marriage 1651 to 1652 inclusive.

Minor Choctaws (April 26, 1906) 923 to 928 inclusive.

The case of John H. Gamblin et al. is analogous with the case of Loula West et al.

I have therefore to recommend that my decision of February 14, 1907, be not approved by the Department and that the

Secretary 2.

schedules above described transmitted with letter of February 15, 1907, be disapproved by the Department.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

Land.  
18014-1907

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 15, 1907, relative to the application of John H. Gamblin, et al., for enrollment as citizens of the Choctaw Nation with the Commissioner's decision of February 14, 1907, granting the applications for the enrollment of certain of the persons named therein, and dismissing the applications for the enrollment of John H. Gamblin, and Mary M. Jones, as citizens by intermarriage of the Choctaw Nation.

The persons included in this application are as follows: Amanda L., Archie, and Glenn Reed; Lovie F., Hattie M., Minnie R., Archie M., Glennis, Joseph A., and James I. Scott; Eliza Ann, Joseph W., Indianola, James W., Hattie L., Benny, Emma, Lillie, and John H. Gamblin; Mary M. Jones; William Deral, and Icy Skelton; Fred Gamblin; Roy Scott; Annie Kehla, and Joseph Rexford Reed.

It appears from the record herein that certain of the applicants were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of the Indian Territory; that on December 17, 1902, the Choctaw and

Chickasaw Citizenship Court "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court; that the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for trial de novo, and on November 28, 1904, the latter court rendered judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom." The court dismissed the cases of Emma Gamblin, Eliza Ann Gamblin, and Glennis Scott on account of lack of jurisdiction.

The applicants herein whose petition was denied by the above judgment are as follows:

Mary Melinda Jones, Lovie Francis, Hattie Myrtle, Minnie Roberta, and Anlie McCoy Scott; James Walter, Joseph Wilbern, Indianola, Amanda Lutoma, Hattie Louvinia, and John H. Gamblin.

It further appears from the record that all of the applicants herein who were not included in the judgment of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, have only such right to enrollment as accrues to them through their relationship by blood or intermarriage to those who were included in that judgment.

Under the ruling of the Attorney General of the United States, of February 19, 1907, in the cases of Loula West, and Myrtle Randolph, analogous hereto, the judgment of the Choctaw



and Chickasaw Citizenship Court of November 28, 1904, was final as to the right to enrollment of the applicants included therein.

As to such of the applicants now under consideration and who were included in that judgment, it is recommended that they be now denied enrollment and their applications dismissed.

As to all the other applicants herein, it appearing that they possess only such right to enrollment as accrues to them through their relationship by blood or intermarriage to those included in the judgment of the Choctaw and Chickasaw Citizenship Court, it is also recommended that their petitions be now denied.

There is inclosed herewith a schedule containing the names of the applicants in this case, and it is recommended that it be disapproved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:IM

Land.  
18014-1907

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 15, 1907, relative to the application of John H. Gamblin, et al., for enrollment as citizens of the Choctaw Nation with the Commissioner's decision of February 14, 1907, granting the applications for the enrollment of certain of the persons named therein, and dismissing the applications for the enrollment of John H. Gamblin, and Mary M. Jones, as citizens by intermarriage of the Choctaw Nation.

The persons included in this application are as follows: Amanda L., Archie, and Glenn Reed; Lovie F., Hattie M., Minnie R., Archie M., Glennis, Joseph A., and James I. Scott; Eliza Ann, Joseph W., Indianola, James W., Hattie L., Benny, Emma, Lillie, and John H. Gamblin; Mary M. Jones; William Deral, and Ioy Skelton; Fred Gamblin; Roy Scott; Annie Kehla, and Joseph Rexford Reed.

It appears from the record herein that certain of the applicants were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of the Indian Territory; that on December 17, 1902, the Choctaw and

Chickasaw Citizenship Court "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court; that the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for trial de novo, and on November 28, 1904, the latter court rendered judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom." The court dismissed the cases of Emma Gamblin, Eliza Ann Gamblin, and Glennis Scott on account of lack of jurisdiction.

The applicants herein whose petition was denied by the above judgment are as follows:

Mary Melinda Jones, Lovie Francis, Hattie Myrtle, Minnie Roberta, and Anlie McCoy Scott; James Walter, Joseph Wilbern, Indianola, Amanda Lutoma, Hattie Louvinia, and John H. Gamblin.

It further appears from the record that all of the applicants herein who were not included in the judgment of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, have only such right to enrollment as accrues to them through their relationship by blood or intermarriage to those who were included in that judgment.

Under the ruling of the Attorney General of the United States, of February 19, 1907, in the cases of Loula West, and Myrtle Randolph, analogous hereto, the judgment of the Choctaw

and Chickasaw Citizenship Court of November 28, 1904, was final as to the right to enrollment of the applicants included therein.

As to such of the applicants now under consideration and who were included in that judgment, it is recommended that they be now denied enrollment and their applications dismissed.

As to all the other applicants herein, it appearing that they possess only such right to enrollment as accrues to them through their relationship by blood or intermarriage to those included in the judgment of the Choctaw and Chickasaw Citizenship Court, it is also recommended that their petitions be now denied.

There is inclosed herewith a schedule containing the names of the applicants in this case, and it is recommended that it be disapproved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:LM

D. C. 14885-1907.

JFJR.  
LLB.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 1, 1907.

I. T. D. 5740-1907.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 28, 1907 (Land 18014), the Indian Office transmitted your report dated February 15, 1907, in the matter of the petition of John H. Gamblin, et al. for rehearing in their Choctaw citizenship case in accordance with the ruling of the Department in the Choctaw enrollment case of Loula West et al., together with your decision of February 14, 1907, granting the applications for the enrollment of certain of the persons named therein and dismissing the applications for the enrollment of John H. Gamblin and Mary M. Jones as citizens by intermarriage of the Choctaw Nation. You also transmitted with the record in this case certain schedules containing the names of those persons whose applications for enrollment were granted in your decision of February 14, 1907, including citizens by blood Nos. 16181 to 16196, inclusive; citizens by marriage Nos. 1651 and 1652, and minor citizens by blood Nos. 923 to 928, inclusive.

You recommend that if the opinion of the Assistant Attorney-General is affirmed by the Attorney-General and your decision is affirmed by the Secretary of the Interior that the schedules transmitted be approved by the Department.

-2-

The Indian Office states that all of these applicants were included in or their right to enrollment accrues through those persons who are named in a judgment of the Choctaw and Chickasaw Citizenship Court dated November 28, 1904. It accordingly recommends that they be denied enrollment and their applications be dismissed. A copy of its letter is inclosed.

In view of the opinion of the Attorney-General dated February 19, 1907, in the case of Loula West et al., it appears that these applicants are not entitled to enrollment and their application is hereby dismissed. The schedules containing the names of the applicants in the case are hereby disapproved, and three copies of each are returned herewith. The originals, a carbon copy hereof, and the papers in the matter have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

10 inc. and 5 to Ind. Of.

A-I-MS:  
3-1-09.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

FHE.

D.C. 13008-1907.  
I.T.D. 6916-1907.

March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your letter of February 26, 1907, relative to the Choctaw enrolment case of John H. Gamblin, et al., you are advised that the schedules mentioned by you were disapproved by the Department March 1, 1907.

A copy hereof has been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

Copy hereof to  
Ind. Of.

W.C.F. 3/4/07 .



7-6068.

Muskogee, Indian Territory, April 15, 1907.

Amanda L. Reed,

Comanche, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the application for the enrollment of yourself and your children, Archie, Glenn, Annie Kehla and Joseph Rexford Reed, as citizens by blood of the Choctaw Nation, and disapproved the schedules of citizens by blood of said nation on which the names of Amanda L. Reed, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph Rexford Reed appear.

Respectfully,

Commissioner.

7-6069.

Muskogee, Indian Territory, April 15, 1907.

Lovie F. Scott,

Comanche, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the application for the enrollment of yourself and your children, Hattie M., Minnie R., Archie M., Glennis, Joseph A., James I., and Roy Scott, as citizens by blood of the Choctaw Nation, and disapproved the schedules of citizens by blood of said nation on which the names of Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott appear.

Respectfully,

Commissioner.

7-6070.

Muskogee, Indian Territory, April 15, 1907.

Eliza Ann Gamblin,  
Comanche, Indian Territory.

Dear madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting your application for enrollment as a citizen by blood of the Choctaw Nation, and disapproved the schedule of citizens by blood of said nation on which the name of Eliza Ann Gamblin appears.

Respectfully,

Commissioner.

7-6071.

Muskogee, Indian Territory, April 15, 1907.

Joseph W. Gamblin,  
Comanche, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the application for your enrollment and the enrollment of your daughter, Indianola Gamblin, as citizens by blood of the Choctaw Nation, and the application for the enrollment of Emma Gamblin as a citizen by intermarriage of said nation, and disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of Joseph W. Gamblin, Emma Gamblin and Indianola Gamblin appear.

Respectfully,

Commissioner.

7-6072.

Muskegee, Indian Territory, April 15, 1907.

James W. Gamblin,  
Comanche, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the application for your enrollment and the enrollment of your children, Benny and Fred Gamblin, as citizens by blood of the Choctaw Nation, and the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of said nation, and disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of James W. Gamblin, Benny Gamblin, Fred Gamblin and Lillie Gamblin appear.

Respectfully,

Commissioner.

7-6072.

Muskogee, Indian Territory, April 15, 1907.

Hattie L. Skelton,  
Comanche, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the application for your enrollment and the enrollment of your children, William Deral and Icy Skelton, as citizens by blood of the Choctaw Nation, and disapproved the schedules of citizens by blood of said nation on which the names of Hattie L. Gamblin, William Deral Skelton and Icy Skelton appear.

Respectfully,

Commissioner.

7-5282.

Muskogee, Indian Territory, April 15, 1907.

Mary M. Jones,

Tatum, Indian Territory.

Dear Madam:

You are hereby advised that on March 1, 1907, in accordance with an opinion of the Attorney general of the United States of February 19, 1907, holding that the judgment of the Choctaw and Chickasaw Citizenship Court was final, the Department held that the persons whose names were included in the consolidated case of John H. Gamblin, et al., were not entitled to enrollment. The decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying your application for enrollment as a citizen by blood of the Choctaw Nation, is therefore affirmed.

Respectfully,

Commissioner.



7-5058.

Muskogee, Indian Territory, April 15, 1907.

John H. Gamblin,

Comanche, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, in accordance with an opinion of the Attorney General of the United States of February 19, 1907, holding that the judgment of the Choctaw and Chickasaw Citizenship court was final, the department held that the persons whose names were included in the consolidated case of John H. Gamblin, et al., were not entitled to enrollment. The decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying your application for enrollment as a citizen by blood of the Choctaw Nation, is therefore affirmed.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Arch Reed,

Comanche, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, in accordance with an opinion of the Attorney General of the United States of February 19, 1907, holding that the judgment of the Choctaw and Chickasaw Citizenship Court was final, the Department held that the persons whose names were included in the consolidated case of John H. Gamblin, et al., were not entitled to enrollment. The decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying your petition for enrollment as a citizen by intermarriage of the Choctaw Nation, is therefore affirmed.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Joseph W. Gamblin,

Comanche, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, in accordance with an opinion of the Attorney General of the United States of February 19, 1907, holding that the judgment of the Choctaw and Chickasaw Citizenship Court was final, the Department held that the persons whose names were included in the consolidated case of John H. Gamblin, et al., were not entitled to enrollment. The decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying the petition for the enrollment of Orange Dorrance and Ikey Dorrance as citizens of the Choctaw Nation, is therefore affirmed.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

George Scott,

Comanche, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, in accordance with an opinion of the Attorney General of the United States of February 19, 1907, holding that the judgment of the Choctaw and Chickasaw Citizenship Court was final, the Department held that the persons whose names were included in the consolidated case of John H. Gamblin, et al., were not entitled to enrollment. The decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying your petition for enrollment as a citizen by intermarriage of the Choctaw Nation, is therefore affirmed.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie P. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John H. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Derrance, Isey Derrance, George Scott and Arch

C. C. & B. 2.

Reed as citizens of the Choctaw Nation.

The secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw nation on which the names of the above named persons appear.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kahla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John H. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Dorrance, Isey Dorrance, George Scott and Arch



M. McM. & C. 2.

Reed as citizens of the Choctaw Nation.

The Secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of the above named persons appear.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John H. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Derrance, Iocy Derrance, George Scott and Arch

Choc. L. O. - 2.

Reed as citizens of the Choctaw Nation.

The Secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of the above named persons appear.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Chief Clerk,  
Chickasaw Land Office,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Elisa Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie P. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Ioy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John M. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Dorrance, Ioy Dorrance, George Scott and Arch

Chick, L. O. - 2.

Read as citizens of the Choctaw Nation.

The Secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of the above named persons appear.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 15, 1907.

Gilbert & Bond,

Attorneys at Law,

Duncan, Indian Territory.

Gentlemen:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda J. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John H. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Derrance, Icy Derrance, George Scott and Arch

G. & B. 2.

Reed as citizens of the Choctaw Nation.

The secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of the above named persons appear.

Respectfully,

Commissioner.



Muskogee, Indian Territory, April 17, 1907.

Clerk in Charge,

Allotment Contest Division,

General Office.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, granting the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott, Glennie Scott, Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin and Lillie Gamblin as citizens by intermarriage of said nation, and affirmed the decision of the Commissioner to the Five Civilized Tribes of the same date denying the applications for the enrollment of John H. Gamblin and Mary M. Jones, and dismissing the petition for the enrollment of Orange Dorrance, Icy Dorrance, George Scott and Arch

Allot. Con. Div. - 2.

Reed as citizens of the Choctaw Nation.

The secretary of the Interior, also on March 1, 1907, disapproved the schedules of citizens by blood and intermarriage of the Choctaw Nation on which the names of the above named persons appear.

Respectfully,

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,  
Washington.

September 16, 1907.

The Commissioner of Indian Affairs,

Sir:

I call attention to Department letter of August 29th, (D-492) in the last paragraph of which the cases of August Spring, et al. and John H. Gamblin, et al. are touched upon. You will notice that the paragraph includes -

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

It is asserted that in the specific case of John H. Gamblin, a family of about twelve are living upon a finely developed farm with more than five hundred acres now planted to cotton and just ready to pick. The land upon which the Gamblin family lives is probably ample for allotment to the members of that family. Both Spring and Gamblin are probably in the same position as Thompson. Their applications for enrollment were filed quite as early, and only through the chance or mischance of clerical activities, action on their applications in the Agent's office was delayed until February 14 and 15 last. This prevented their cases from being finally adjudicated in the Department before March 4. As a result, these people are staring ruin in the face, whereas, by a delay which could work no injustice or inequity to anybody, it might be possible that

Congress, with perfect propriety, would remedy the situation next winter, if right and equitable.

Please have the following questions considered at the earliest practicable moment, taking them up informally with the Department if you deem it best before report:

1. Is it not possible that there are cases like those of Spring and Gamblin which can be identified with sufficient exactitude to warrant holding them in statu quo until the close of the next session of Congress, or at least until nearly the time for the next planting season, in order that Congress may have opportunity either to authorize the Secretary to consider and act upon these cases as though they had reached the Department in ample time before March 4th; or that Congress perhaps may pass upon the merits of the cases?

2. If so, should not such an order be promulgated in the near future to avoid the possibility of final action being taken by the Indian Agent, with such consequent ejection as may do permanent financial injury to worthy Indians?

It would be a great wrong, if families like that of Gamblin in particular, who are caring for their farms in proper style, should be punished so severely as to have all their property taken from them especially if there is any chance that they are entitled actually to enrolment and allotment.

Very respectfully,

G. W. Woodruff,

Acting Secretary.

I.T. 73379-1907.  
76867- "

File 053.

October 3, 1907.

Subject:  
Choctaw citizenship cases of  
August Spring and John H.  
Gamblin, et al.

The Honorable,

The Secretary of the Interior.

Sir:

The Office has received and considered Departmental letter of September 16, 1907, in which its attention is invited to the citizenship cases of August Spring et al. and John H. Gamblin, et al., applicants for enrollment as citizens of the Choctaw Nation.

In its letter the Department invites the attention of the Office to the case of Gamblin, who, it is claimed, with his family of about twelve persons, are living in a finely developed farm with more than 500 acres planted to cotton just ready to pick; that the land on which the family lives is probably ample for allotment to the members of that family, and that possibly both Spring and Gamblin are in the same position as William C. Thompson, whose case is pending in the courts of the District of Columbia. The Department also says that the applications of these persons were filed quite as early and that only through the chance or mischance of clerical

activities decisions on their applications in the office of the Commissioner to the Five Civilized Tribes were delayed until February 14 and 15 last, which prevented their cases from being finally adjudicated in the Department before March 4, 1907 with the result that these people are staring ruin in the face, whereas by delay, which could work no injustice or inequity to anybody, it might be possible that Congress with perfect propriety would remedy the situation next winter if it were found right and equitable so to do.

On the basis of this presentation the Office is requested to consider and report on two propositions, as follows:

1. Is it not possible that there are cases like those of Spring and Gamblin which can be identified with sufficient exactitude to warrant holding them in statu quo until the close of the next session of Congress, or at least until nearly the time for the next planting season, in order that Congress may have opportunity either to authorize the Secretary to consider and act upon these cases as though they had reached the Department in ample time before March 4th, or that Congress perhaps may pass upon the merits of the cases?
2. If so, should not such an order be promulgated in the near future to avoid the possibility of final action being taken by the Indian Agent, with such consequent ejectment as may do permanent financial injury to worthy Indians?

Subsequent to the decisions of the Commissioner to the Five Civilized Tribes in the cases of August Spring and John H. Gamblin on February 14 and 15 last, they were transmitted for Departmental consideration, were taken up, and received the attention of the Department, and decisions were rendered adverse to the applicants on March 1, 1907. These

decisions were based on the ground that the applicants had applied to the Commissioner to the Five Civilized Tribes for enrollment as citizens of the Choctaw Nation under the act of June 10, 1896, and had been denied citizenship. The decisions of the Commissioner to the Five Civilized Tribes in February last were based on the previous action of the Department on the case of Loula West. The action of the Department of March 1 was taken on the principle laid down in the opinion of the Attorney-General of the United States of February 19 in the case of Loula West. In this manner the cases were fully considered and a final adjudication had by the Department.

In its letter of September 10, 1907, in the matter of the enrollment application of Alta May Brassfield as a Cherokee (I.T. 73379-1907), which was approved by the Department on September 11, the Office said, with reference to two classes of persons who had not been enrolled by the Commissioner to the Five Civilized Tribes and the Department, one being full-blood and the other mixed-blood, that

The first class (the full-bloods) is entitled to no more consideration than the second class. It is now nearly 14 years since the Commission to the Five Civilized Tribes was appointed, and it is reasonable to assume that every Indian in the Indian Territory had repeated notice of the desire of the Government to wind up the affairs of the Five Civilized Tribes, and that it was absolutely necessary for them to appear before the Commission, or its successor, and be enrolled as citizens of the nations in which they claimed citizenship, in order to be allowed to share in the distribution of the tribal property of that nation. The full-blood Indians referred to by Mr. Pollock were undoubtedly aware of the conditions and the Commission sent field parties through the full-blood settlements and did everything in its power to secure the enrollment of not only the full-blood adults but also the minor children.



- 4 -

It is the view of this Office that it would be disastrous to the interests of the Nations and a great expense to the Government if anything were done toward reopening the rolls.

It will be seen from the history of the Gamblin and Spring cases as set out herein that there is no question in their cases which has not already been passed on by the Department adversely to the applicants. Therefore there is no reason why their cases should be brought to the attention of Congress or any relief sought by the Department from that source, and the Office does not believe that the removal of the families of Gamblin and Spring from the lands now occupied by them should longer be deferred.

Very respectfully,

Sgd C. F. Larrabee

Acting Commissioner.

KBH-Y

October 4, 1907.

APPROVED:

Thos. Ryan

1st Asst. Secretary.

157  
REFER IN REPLY TO THE FOLLOWING:

I.T. 73379-1907.

76867- "

D.C. 888- "

File 053

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

GAW

October 8, 1907.

Subject:  
Choctaw citizenship cases  
August Spring and John H.  
Gamblin, et al.

Commissioner to the Five Civilized Tribes,

Muskogee,

Indian Territory.

Sir:

On September 16 the Department addressed a letter to this Office concerning the propriety of suspending action looking to the removal of August Spring et al., John H. Gamblin et al., and others similarly situated from lands now in their possession as claimants for enrollment as citizens of the Choctaw Nation.

The Office responded to the Departmental letter of the 3rd instant, expressing its views concerning the classes of claims mentioned by the Department, and on the 4th instant, the Department approved the recommendation of the Office. Copies of Departmental letter of September 17, and of Office letter of the 3rd instant, showing Departmental action thereon, are enclosed for your information.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FBH-Y.

D.O.M.  
G.W.W.  
File S-51.

D

6476.

J.W.H.  
J.W.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
Washington.

March 1, 1909.

Seal. 17077  
Office of Indian Affairs.  
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 28, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File S-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 28, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103	Elizabeth Allen.
16112	George A. Bungarner.
16116	Louittia Crutchfield.
16106	Everett Crutchfield.
16111	George W. Crutchfield.
16108	Ida Crutchfield.

16107  
16108  
16109  
921  
922  
16104

Ima Crutchfield,  
Louvinia Crutchfield.  
William Crutchfield.  
Josephine Laflere Long.  
Hake Laflere Long.  
David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a ~~later~~ later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said

Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File B-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfield whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Pungarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside.

Accordingly, it is desired, that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson.

Assistant Secretary.

Through the

Indian Office

Land  
6 8228-08  
17077-09

JMR

MAN  
MBM

Department of the Interior,  
Office of Indian Affairs,

Washington, D. C. Meh. 5 09

Respectfully referred to the Commissioner  
to the Five Civilized Tribes, for appropriate action.

John Francis Jr.

Acting Chief Land Division.

1 Letter

dated

Mch 2 1909.



Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianapolis Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Lovie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Elisa Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Elisa Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 197 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Lewis Francis Scott, or Lewis Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott,

Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennie Scott, the court having no jurisdiction their petition was dismissed.

Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 146 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said Court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleged that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1905, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1905, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 ( I T D 1958-1905) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icey Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amanda Reed (or Amanda Intema Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lovie Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Jo-



Secretary 7

seph H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Icay Dorrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie P. Scott, Hattie M. Scott and Minnie R. Scott are \* identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 ( I T D 10353-1904) and December 8, 1905 ( I T D 1693-1905) the action of the Choctaw



Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

\* The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 15, 1906 ( I T D 4222-1906 ) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin , Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennis Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Ray Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Raxford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of Hohn H. Gamblin, Mary M. Jones, Orange Derrance, Iocy Derrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . Numbers 16161 to 16196, inclusive  
Choctaws by marriage . . . Numbers 1651 and 1652.  
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Sheekley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedule transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analggous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

\* March 1, 1907 ( I T D 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Chectaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following)

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction".

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T 73379, 76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907 this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

AB



Land  
34734-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs G.R.

Enrollment case of Washington. Jun 4 1909  
John H. Gamblin et al.

The Commissioner to the

Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.

Chief Clerk.

JC-3  
1788



Land  
3 4734-1909  
J, E D

Enrollment case of John  
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Choctaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John E. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

OGP  
1511

(Signed) R. G. Valentine,

Acting Commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6068.

Muskogee, Oklahoma, June 10, 1909.

Mrs. Amanda L. Reed,  
Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S., 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 6069

Muskogee, Oklahoma, June 10, 1909.

Mrs. Lovie F. Scott,  
Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John H. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908 in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 6070

Muskogee, Oklahoma, June 10, 1909.

Mrs. Eliza Ann Gamblin,  
Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AM

Choctaw 6071

Muskogee, Oklahoma, June 10, 1909.

Mr. Joseph W. Gamblin,  
Comanche, Oklahoma,

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Gheetaw 6972

Muskogee, Oklahoma, June 16, 1909.

Mr. James W. Gamblin,  
Comanche, Oklahoma.

Sir:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Gheetaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Chestaw 6072

Muskogee, Oklahoma, June 10, 1909.

Mrs. Hattie L. Skelton,

Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Chestaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Choctaw 5282

Maakeges, Oklahoma, June 10, 1909.

Mrs. Mary M. Jones,  
Tatum, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5058

Muskogee, Oklahoma, June 10, 1909.

Mr. John H. Gamblin,  
Comanche, Oklahoma,

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 6068

Muskogee, Oklahoma, June 10, 1909.

Messrs. Gruce, Gruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Oklahoma,

Gentlemen:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John M. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

wife:

104

Ex libris J

Letter of Feb 15-07 from  
Cousin to Dec

Choc 6069

Lovie F. Scott

2-14-07 Granted

See Pet. # C-52

Record see 7-6068

June 10, 1909 Parties notified

6069

(9/10)

COPY.

7-5054.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Joseph A. Scott and James I. Scott, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Lovie F. Scott.

The right of the applicants' mother, Lovie F. Scott (as Lovie Francis Scott or Lovie Francis Scott), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 107 upon the Tishomingo docket of said court, it is hereby ordered that the application of Joseph A. Scott and James I. Scott for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED),

*James Bixby*

Chairman.

Muskogee, Indian Territory,

JAN 23 1905



Choctaw 5054

COPY:

Muskogee, Indian Territory, January 23, 1905.

Lovie F. Scott,

Comanche, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for enrollment of Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Respectfully,

~~SIGNED~~

*Tams Bixby*

Chairman.

Registered.

Incl. 7-5054

Chootaw 5054

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Chootaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Joseph A. Scott and James I. Scott as citizens by blood of the Chootaw Nation.

Respectfully,

(SIGNED).

*Iams Bixby*

Chairman.

Incl. 7-5054

Ag. R.T.  
D.C.L.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Glennies Scott for enrollment as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 22, 1898, application was made to this Commission for the enrollment of Glennies Scott (born September 30, 1897), as a citizen by blood of the Choctaw Nation.

It does not appear from the records of the Commission that the applicant has ever been enrolled by the tribal authorities of the Choctaw Nation, neither does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, nor does it appear that she has ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It appears from the records of the Commission that on January 17, 1898, the United States Court for the Southern District of Indian Territory, in the case entitled "Walter W. Jones, et al. vs. Choctaw Nation" (Citizenship case No. 148), entered of record a judgment decreeing that (among others), the applicant herein (as Glennis Scott), and her mother, Lovie Francis Scott, be admitted to citizenship in the Choctaw Nation, and that on January 25, 1900, the said United States Court for the Southern District of Indian Territory, entered an order "nunc pro tunc" as of January 17, 1898, correcting said above mentioned judgment by striking therefrom (among others), the name of the applicant herein, Glennies Scott, (as Glennis Scott).

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

It further appears from the records of the Commission that said cause was, as to certain of the applicants therein, including the said Lovie Francis Scott, the mother of the applicant herein, duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that as to the said Lovie Francis Scott, (as Lovie Francis Scott, or Lovie Francis Scott) said Choctaw and Chickasaw Citizenship Court on November 28, 1904 in case No. 107 on its Tishomongo docket, entered of record a decree denying her petition for enrollment as a citizen by blood of the Choctaw Nation, and declaring that the said Lovie Francis Scott is not a citizen of said nation, and that as to the applicant herein said

Choctaw and Chickasaw Court, in and by said decree, dismissed the petition of said Glennies Scott (as Glennis Scott), for want of jurisdiction.

It is therefore, the opinion of this Commission that Glennies Scott is not entitled to be enrolled as a citizen by blood of the Choctaw Nation, and that her application for such enrollment should be denied, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,  
Chairman.

T. B. Needles,  
Commissioner.

C. R. Breckinridge,  
Commissioner.

Muskogee, Indian Territory,  
Feb. 4-1905.

Choctaw 5054.

COPY.

Washburn, Indian Territory, February 4, 1905.

Lovie F. Scott,

Comanche, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 4, 1905, denying the application for the enrollment of your minor child, Glennie Scott, as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. M. BROWN

*James Bixby*

Chairman.

Incl. 7-5054.

COPY.

Choctaw 5054.

Muskogee, Indian Territory, February 4, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered February 4, 1905, denying the application for the enrollment of Glennies Scott as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

*James B. Bly*

Chairman.

Incl. 7-5054.

COPY.

Muskogee, Indian Territory, February 4, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the matter of the application of Glennies Scott for enrollment as a citizen by blood of the Choctaw Nation, including the decision of the Commission of February 4, 1905, denying said application.

Respectfully,

SIGNED.

*James Dixby*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Incl. 7-5054



COPY.

7-5084

Muskogee, Indian Territory, March 27, 1906.

Lovie F. Scott,

Comanche, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of March 13, 1906, affirmed the decision of this Commission dated February 4, 1905, denying the application for the enrollment of your minor child, Glennie Scott, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tame Dixby*

Chairman.

7-5054

COPY,

Muskogee, Indian Territory, March 27, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of March 13, 1905, affirmed the decision of this Commission dated February 4, 1905, denying the application for the enrollment of Glennias Scott as a citizen by blood of the Choctaw Nation.

Respectfully,

THOMAS

*James Bixby*

Chairman.

C- 52  
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COPY

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
 John H. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John H. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Penny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie F. Scott (twenty-four years of age), and her four minor children, Hattie M. (seven years of age), Winnie R. (four years of age), Archie M. (two years of age) and Glennie Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Wred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Icy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie W. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . Mary Malinda Jones . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . Glennis Scott, . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1905, the Commission to the five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Renny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1906, said commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, The Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1906 (I. T. D. 1958-1905), the same was affirmed by the Department.

Under the regulations adopted by the commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Hattie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Hattie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Ikey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie V. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Hattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie V. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Hattie M. Scott, Winnie P. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie V. Scott, and George W. Scott; and the applicants, William rural Skelton and Icy Skelton, are the children of the applicant, Hattie L. Gamblin (now Hattie Levenia Skelton), and James W. Skelton, a non-citizen.



It further appears from the record herein that John H. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the state of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4916, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John H. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary M. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1906 (I. T. D. 10353-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Penny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Penny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

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Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John W. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary W. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Dorrance, Icy Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petition should be dismissed, and it is so ordered.

SIGNED *Tams Bixby*

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907



D.O.M.  
G.W.W.  
File 5-51  
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J.W.H.  
J.W.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

No. 17077.  
Seal--Office of Ind. Affairs.  
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103  
16112  
16110  
16106

Elizabeth Allen.  
George A. Bungarner.  
Loutitia Crutchfield.  
Everett Crutchfield.

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Jake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grever Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken

concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflors Long and Jake Laflors Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved

and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls, and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department, also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse B. Wilson.

Through the

Assistant Secretary.

Indian Office.

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DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Moh. 6-09.  
Respectfully referred to the Commissioner  
to the Five Civilized Tribes, for appropriate  
action.

John Francis, Jr.  
Acting Chief Land Division.

1 Letter dated  
Moh. 1, 1909.

D 294-1909.

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

Jehn H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.



Secretary 3

Lovie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kahla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1908, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Lewis Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Levinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennis Scott, the court having no jurisdiction their petition was dismissed.

Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship<sup>1p</sup> Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1906, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1905, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 ( I T D 1258-1905) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Dorrance, Isey Dorrance, Etiza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amandy Reed (or Amanda Lutoma Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lovie Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Joseph

Secretary 7

H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Icey Dorrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott and Minnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 ( I T D 10353-1904) and December 8, 1905 ( I T D 3693-1905) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 ( I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennis Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Deral Skelton, Roy Skelton, Annie Kehla Reed and Joseph Rexford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John H. Gamblin, Mary M. Jones, Orange Dorrance, Icey Dorrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16181 to 16196, inclusive  
Choctaws by marriage . . . Numbers 1651 and 1652.  
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the



Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 ( I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 ( I T F 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following:

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T D 73379, 76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

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DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs

G R

Washington. Jun 4 1909

Enrollment case of  
John H. Gamblin et al.

The Commissioner to the

Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.

Chief Clerk.

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34734-1909  
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Enrollment case of John  
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Cheetaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

(Signed) H. G. Valentine,

Acting Commissioner.

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APPROVED: June 1, 1909.

Frank Pierce,  
First Assistant Secretary.

Choctaw 6069

Muskogee, Oklahoma, June 10, 1909.

Mrs. Lovie P. Scott,

Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908 in said Goldsby case.

Respectfully,

Acting Commissioner.

AB



T-5054.

Muskogee, Indian Territory, October 30, 1903.

George W. Scott,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of James I. Scott, infant son of George W. and Lovie F. Scott, born September 8, 1903; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-5034

Muskogee, Indian Territory, July 16, 1906.

George W. Scott,

Comanche, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Lovie F. Scott and Dr. J. T. Wharton to the births of Glennies Scott and Joseph A. Scott, children of George W. and Lovie F. Scott, September 30, 1898 and December 3, 1900, respectively.

Receipt is also acknowledged of the affidavits of Lovie F. Scott and J. H. Linay to the birth of James I. Scott, child of George W. and Lovie F. Scott, September 8, 1902.

Respectfully,

Commissioner.

Samuel H. Scott

Hattie M.

Marion R.

Arthur M.

Glenn

Choate

299

Choc 6070

Eliza Ann Gamblin

2-14-07 Granted

See Pet # C-52

6070

C- 52  
 C-128  
 C- 96  
 W-182  
 W-183  
 W-184  
 W-181  
 7-5058  
 7-5284  
 7-5285  
 7-D-430  
 7-5059  
 7-5282  
 7-5054  
 23-996  
 23-957  
 23-933  
 23-891.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John H. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie F. Scott (twenty-four years of age), and her four minor children, Hattie M. (seven years of age), Minnie R. (four years of age), Archie M. (two years of age) and Glennis Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Icy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de nove, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . . . Mary Malinda Jones . . . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . . . Glennis Scott, . . . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1905, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1905, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1905 (I. T. D. 1958-1905), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter Gamblin, Amanda (or Amanda Dutoma) Reed (nee Gamblin), Hattie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Hattie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Ikey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Hattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Dural Skelton and Icy Skelton, are the children of the applicant, Hattie L. Gamblin (now Hattie Lovenia Skelton), and James W. Skelton, a non-citizen.



It further appears from the record herein that John H. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the State of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John H. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary M. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10353-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be recinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

5.

Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John H. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petitions should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

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No. 294.

Department,  
Wilson.  
Washington, D.C.  
March 1 1909.

Calls attention to Departmental  
letter of Jan. 25, 1909, in  
regard to names of certain  
persons that were inadvertently  
included in Department letter  
of Jan. 19, 1909, Ida  
Crutchfield, et al.

D.O.M.  
G.W.W.  
File 5-51  
D  
6476

J.W.H.  
J.V.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

No. 17077.  
Bural--Office of Ind. Affairs.  
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

16103  
16112  
16110  
16106

Elizabeth Allen.  
George A. Bugarner.  
Leutitia Crutchfield.  
Everett Crutchfield.

16111  
16108  
16107  
16108  
16109  
921  
922  
16104

George W. Crutchfield.  
Ida Crutchfield.  
Ima Crutchfield.  
Levinia Crutchfield.  
William Crutchfield.  
Josephine Laflere Long.  
Jake Laflere Long.  
David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ariella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken

concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved

and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson.

Assistant Secretary.

Through the

Indian Office.



Land  
88228--08  
17077--09  
J B R

E B H  
E B M

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Moh. 6-09.  
Respectfully referred to the Commissioner  
to the Five Civilized Tribes, for appropriate  
action.

John Francis, Jr.  
Acting Chief Land Division.

1 Letter dated  
Moh. 1, 1909.

D 294-1909.

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Levie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Doral Skelton, Icy Skelton, Annie Kahla Reed and Joseph Raxford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James V. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianapolis Gamblin, Amanda L. Reed, Mary M. Jones, Levie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 146 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 26, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Levi Francis Scott, or Levi Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Intoma Gamblin, Hattie Levinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennis Scott, the court having no jurisdiction their petition was dismissed.

Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1905, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Heatt and James I. Heatt, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1906, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1906 ( I T D 1958-1906) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amanda Reed (or Amanda Lutoma Reed), nee Gamblin, Hattie Ekolton, nee Gamblin, George Scott, Levi Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Joseph



Secretary 7

H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Derrance, Icy Derrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Levie F. Scott, Hattie E. Scott and Minnie E. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I T D 10353-1904) and December 8, 1905 (I T D 3693-1905) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 (I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Doral Skelton, Icy Skelton, Annie Kahla Reed and Joseph Maxford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John W. Gamblin, Mary M. Jones, Orange Derrance, Isey Derrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16181 to 16196, inclusive;  
Choctaws by marriage . . . Numbers 1651 and 1652.  
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 ( I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Lund 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 ( I T F 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following:

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T D 73379, 76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

AB



Land  
34734-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs G.R.

Enrollment case of Washington. Jun 4 1909  
John H. Gamblin et al.

The Commissioner to the  
Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John E. Geldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.

Chief Clerk.

JO-3  
1788

Land  
S 4734-1909  
J E D

Enrollment case of John  
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 8-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Choctaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John E. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

OGP  
1511

(Signed) R. G. Valentine,

Acting Commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6070

Muskogee, Oklahoma, June 10, 1909.

Mrs. Eliza Ann Gamblin,  
Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John H. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Ely a Allen Gambler

Choc.

Original judgment: Ad 148. Jan 17<sup>th</sup> 98  
Saps. " " Oct 15<sup>th</sup> 98

Note: Has lived in the Chickasaw  
Nation for 5 or 6 years

~~329~~

Choc 6071

Joseph W. Gamblin

2-14-07 Granted

Record see 7-6068

See Pet. # C-52

6-10-09 Parties notified

6071

QAB  
7-5285.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Emma Gamblin as a citizen by intermarriage of the Choctaw Nation.

-oOo-

The applicant, Emma Gamblin, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Joseph W. Gamblin.

The right of the applicant's husband, Joseph W. Gamblin, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case number 107 upon the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Emma Gamblin as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,  
\_\_\_\_\_

C- 52  
C-125  
C- 96  
W-122  
W-123  
W-124  
W-121  
7-5053  
7-5284  
7-5285  
7-D-430  
7-5059  
7-5282  
7-5054  
23-996  
23-957  
23-933  
23-891.

O. L. J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John H. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary W. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie F. Scott (twenty-four years of age), and her four minor children, Hattie W. (seven years of age), Minnie R. (four years of age), Archie W. (two years of age) and Glennie Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.



Applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Icy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . Mary Malinda Jones . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . Glennis Scott, . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1905, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1905, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1905 (I. T. D. 1958-1905), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Hattie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Hattie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Ikey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Hattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Dural Skelton and Icy Skelton, are the children of the applicant, Hattie L. Gamblin (now Hattie Lovenia Skelton), and James W. Skelton, a non-citizen.

It further appears from the record herein that John H. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the State of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John H. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary M. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1905 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10353-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John H. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Dersel Skelton, Icy Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Dorrance, Icy Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petitions should be dismissed, and it is so ordered.

Commissioner.

Wuskogee, Indian Territory,

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No. 294.

Department,  
Wilson,  
Washington, D.C.  
March 1, 1909.

Calls attention to Departmental letter of Jan. 25, 1909, in regard to names of certain persons that were inadvertently included in Department letter of Jan. 19, 1909, Ida Crutchfield, et al.

D.O.M.  
G.W.W.  
File 5-51  
D  
6476

J.W.H.  
J.W.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

No. 17077.  
Seal—Office of Ind. Affairs.  
March 3, 1909.

The Commissioner  
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cheetaws by Blood.

Roll No.

16103  
16112  
16110  
16106

Elizabeth Allen.  
George A. Bungarner.  
Loutitia Crutchfield.  
Everett Crutchfield.



16111  
16106  
16107  
16108  
16109  
921  
922  
16104

George W. Crutchfield.  
Ida Crutchfield.  
Ira Crutchfield.  
Louvinia Crutchfield.  
William Crutchfield.  
Josephine Laflere Long.  
Jake Laflere Long.  
David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken



concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bungarner, Josephine Laflere Long and Jake Laflere Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved

and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial Report should be rendered at once concerning the said Elisabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse H. Wilson,

Assistant Secretary,

Through the

Indian Office.

Land  
88228--08  
17077--09  
J B R

E B H  
E B M

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Meh. 6-09.  
Respectfully referred to the Commissioner  
to the Five Civilized Tribes, for appropriate  
action.

John Francis, Jr.  
Acting Chief Land Division.

1 Letter dated  
Meh. 1, 1909.

D 294-1909.

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Elisa Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indiansla Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Lovie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kahla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Lewis Francis Scott, or Lewis Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbert Gamblin, Indianola Gamblin, Amanda Intoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennie Scott, the court having no jurisdiction their petition was dismissed.



Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1906, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

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February 1, 1905, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 ( I T D 1958-1905) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icey Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amanda Reed (or Amanda Lutoma Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lovie Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McGee Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Joseph

Secretary 7

H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Isey Dorrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott and Minnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 ( I T D 10363-1904) and December 8, 1905 ( I T D 3693-1905) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 (I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Deral Skelton, Iay Skelton, Annie Kehla Reed and Joseph Benford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John H. Gamblin, Mary M. Jones, Orange Dorrance, Iosy Dorrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16181 to 16196, inclusive;  
Choctaws by marriage . . . Numbers 1661 and 1662.  
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 ( I T D 4564-1907) requesting this office to forward a list of those persons whose unrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 ( I T F 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.



Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following:

"and theirs must stand as adjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T D 73372, 76667-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

AB

Land  
34734-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs      G.R.

Enrollment case of  
John H. Gamblin et al.

Washington. Jun 4 1909

The Commissioner to the  
Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hawks,

Chief Clerk.

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Land  
S 4734-1909  
J E D

Enrollment case of John  
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Choctaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John E. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

OGP  
1511

(Signed) R. G. Valentine,

Acting commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6071

Muskegee, Oklahoma, June 10, 1909.

Mr. Joseph W. Gamblin,  
Comanche, Oklahoma,

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 497), and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.



Secretary 3

Lovie P. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennie Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie P. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennie Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennie Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Lovis Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennis Scott, the court having no jurisdiction their petition was dismissed.

Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said Court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1905, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

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February 1, 1905, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennie Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 ( I T D 1958-1905 ) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin ,(or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Dorrance, Isay Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amanda Reed (or Amanda Lutoma Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lovie Scott, Myrtle Scott (or Hattie Myrtle Scott) Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennie Scott, Joseph

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H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Iola Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Ivey Dorrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott and Minnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1906 ( I T D 10353-1906 ) and December 8, 1906 ( I T D 3693-1906 ) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 ( I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie P. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John H. Gamblin, Mary M. Jones, Orange Dorrance, Isey Dorrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . Numbers 16181 to 16196, inclusive  
Choctaws by marriage . . Numbers 1651 and 1652.  
Minor Choctaws by blood .Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shookley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the



Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 ( I T D 4564-1907 ) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 16, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 ( I T D 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following:

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T 73379, 76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

AB

Joseph W. Gauchlin  
Emma  
Indiana la

0330

Choe

Original judgment: Feb 148, Jan 17, 98  
" " " " Feb 24, 98  
Sop

Note: Have lived in the Chickasaw  
Nation 6 years

Emma admitted as a citizen  
by intermarriage

Joseph W. ~~Gauchlin~~ Emma married  
April 7, 95 under United States  
law

Choc 6072

James W. Gamblin

2-14-07 Granted

For record see 7-6068

See Pet. # C-52

6-10-09 Parties notified

6072

No. 148.

*versus*

**COPY OF ORDER OF COURT.**

....., *Clerk,*

*By* ..... *Deputy.*



## COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY.

Southern

DISTRICT.

88.

IN THE UNITED STATES COURT in the Indian Territory, Southern District,  
 at a term thereof begun and held at Ardmore, in the Indian  
 Territory, on the 28th day of September, A. D. 1898;  
 Present, the Honorable Hosea Townsend, Judge of said Court.

The following order was made and entered of record, to wit:

Walter W. Jones, et al., )

vs No. 148 )

Judgment. )

Choctaw Nation. )

This cause coming on to be heard on this 15th day of October 1898, upon the motion of the plaintiffs herein to have the judgment heretofore rendered in this cause corrected as to the names of Mrs. Eliza Ann Gamlin and Mrs. Minnie Mildred Henson, and it appearing to the Court that these parties were admitted to citizenship in the Choctaw Nation under the said judgment as Eliza Ann Jones (her maiden name) and Minnie Mildred Jones (her maiden name), whereas at the time of applying for citizenship herein they had married and their names were then Mrs. Eliza Ann Gamlin, and Mrs. Minnie Mildred Henson, and that the erroneous naming of these parties occurred in the drafting of the precept of the judgment herein and through no fault of the applicants whatever. And it appearing further that the said correction should, in justice to the above parties, be made in order that said judgment should speak the truth.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED That the Judgment heretofore rendered in this cause on the 17th day of January 1898, be amended and corrected as to the names of Eliza Ann Jones and Minnie Mildred Jones, so that these parties be admitted in their true names, which are Mrs. Eliza Ann Gamlin and Mrs. Minnie Mildred Henson, and the clerk of this Court is ordered and directed to certify a copy of this Judgment to the Dawes Commission, and said Commission is ordered and directed to enroll said parties in accordance with the amendment herein made.

Hosea Townsend, Judge.

United States of America,

INDIAN TERRITORY,

Southern

DISTRICT.

ss:

I, C. E. Campbell, Clerk of the District Court of the United States for the Southern District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 15th day of October, 1898, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Ardmore, in said District, this 19th day of March 1903. A. D. ~~1898~~

C. E. Campbell Clerk,

By N. E. McCoy Deputy.

March 20<sup>th</sup> 1900.

On cards containing  
names of those who  
were stricken from  
judgment formerly  
entered in this case  
due notation thereof has  
this day been made

With the exception  
of Carrie Pernicia Jones  
Capitola Jones and  
Victoria Jones whose  
names we are unable  
to find as having been  
listed for enrollment  
as Choctaws.

Miss Koger, March 12, 1900.  
Count No. 148. Daves No. 56.

Walter H. Jones et al vs Choctaw Nation.

According to Mr. Hopkins report  
only five persons, to wit:

Walter H. Jones, Jennie V. Jones  
Fitzhugh L. Jones, Rubie Jones  
and Mamie Oletia Jones should  
have been admitted in original  
judgment, where forty five  
were admitted. The order  
of Jan. 25<sup>th</sup> 1900. correcting  
former judgment only  
strikes 28 names therefrom.

No. 148

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United States Court,

INDIAN TERRITORY,

*Southern*

*District.*

*Waller H. Jones et al*

*Choctaw Nation*

TRANSCRIPT OF PROCEEDINGS IN SUIT.

---

## TRANSCRIPT OF PROCEEDINGS.

United States Court,

INDIAN TERRITORY,

Southern

District.

ss:

At a stated term of the United States Court in the Indian Territory, Southern District, begun and had in the Court Rooms, at Ardmore, in the Indian Territory, on the 4th day of December, in the year of our Lord one thousand eight hundred and ninety- nine

Present, the Hon. Hosea Townsend, Judge of said Court.

On the 25th day of January 1900. 1899, being a regular day of said term of said Court, among the proceedings had were the following, to wit:

Walter W. Jones et al,

vs.

I48.

Corrected Judgment.

Chectaw Nation.

On this 17th day of January, 1900,

came on to be heard in open court the motion of defendant herein to correct nunc pro tunc the judgments heretofore rendered on the 17th day of January 1898, the 24th day of March 1898 and the 15th day of Oct. 1898, for the reason that the names of certain parties, not included in the application to the commission to the Five Civilized Tribes, had been erroneously included therein and admitted to citizenship in the Chectaw Nation, and both parties appear, and the court having heard said motion, and being well and fully advised in the premises, doth find that the following names have been erroneously and by mistake included in said judgment and said parties by mistake admitted to citizenship in the Chectaw Nation to-wit: Brinkley Wilbourn, William Albert Jones, Rutherford Pennymore Jones, Amanda Melvina Jones, Carrie Pernicia Jones, Eliza Ann Jones, John Gandy Jones, Capitela Jones, Victoria Jones, Elizabeth May Jones, Mimmie Mildred Jones, Charlie Marion Jones, Sallie Fisher Jones, William James Jones, Garland Rutherford Jones,

Reandis Jones, Nellie Rutherford Jones, Glennis Scett, Robert J . Jones,  
Sallie M . Jones, William Oscar Jones, George D . Jones, Walter J .

Jones, Mary A . Jones, Lilburn B . Jones, Pearlle V . Jones, Lizzie H .  
Jones, Mrs. Minnie Mildred Henson✓. It is therefore by the court  
considered, ordered and adjudged that the names of all the parties  
aforesaid be stricken from the judgments heretofore rendered herein  
and that none of said parties be admitted to citizenship in the Choctaw  
Nation under or by virtue of the judgment herein , and this judgment  
is rendered nunc pro tunc as of the date of the original judgment  
herein. To which Judgment of the court , plaintiffs in open court  
excepted .



United States Court,

INDIAN TERRITORY,

Southern

District.

ss:

I, C . M . Campbell, Clerk of the United States Court within  
and for the District and Territory aforesaid, do hereby certify, that the foregoing  
orders are truly taken, and correctly copied from Court Journals of said Court, as  
the same appears to me.

In Testimony Whereof, I have hereunto set my hand and affixed

the Seal of said Court, at Ardmore

this 26th day of February 1900. A. D. 1899

C. M. Campbell

Clerk.

By

Deputy.

ART  
DCL

7 -5058

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Benny Gamblin, as a citizen by blood of the Choctaw Nation.

The applicant, Benny Gamblin, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father James W. Gamblin.

The right of the applicant's father, James W. Gamblin, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case number 107 on the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Benny Gamblin as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby

Chairman.

Muskogee, Indian Territory,  
Jan 23 1905

COPY.

Choctaw 5058

Muskogee, Indian Territory, January 23, 1905.

James W. Gamblin,

Comanche, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Benny Gamblin, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Bixby*

Chairman.

Registered.

Incl. 7-5058

Choctaw 5058

COPY

Muskogee, Indian Territory, January 23, 1905.

Wolverton & March,

Attorneys at Law,

Duncan, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Benny Gamblin as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Iame Bixby*

Chairman.

Registered.

Incl. 7-5058

Choctaw 5058

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated January 23, 1905, dismissing the application  
for the enrollment of Benny Gamblin as a citizen by blood of the  
Choctaw Nation.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

Incl. 7-5058

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY,  
JULY 30, 1906.

---

IN THE MATTER of the application for the enrollment of  
Joseph W. Gamblin, et al., as citizens of the Choctaw Nation.

UNDER THE REGULATIONS adopted by the Commissioner to the  
Five Civilized Tribes January 2, 1906, there was filed on Feb-  
ruary 6, 1906 by Cruce, Cruce & Bleakmore attorneys for peti-  
tioners a petition praying for the enrollment of Joseph W.  
Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorance and  
Icsey Dorance as citizens of the Choctaw Nation.

It being alleged in said petition that the petitioners were  
in 1896 enrolled by the Board of Choctaw Census Commissioners.

JULY 9, 1906, Emma Gamblin, Duncan, Indian Territory,  
Cruce, Cruce & Bleakmore attorneys for petitioners, Ardmore,  
Indian Territory, Mansfield, McMurray & Cornish, attorneys for  
the Choctaw and Chickasaw Nations, South McAlester, Indian Ter-  
ritory, were notified that the Commissioner would at his office  
at Muskogee, Indian Territory, on July 30, 1906 at 1:00 o'clock  
p. m., hear such testimony and receive such other evidence as  
might be submitted in support of said petition.

NOW, on this the 30th day of July, 1906 at 1:00 o'clock P. M.,  
this cause being called for hearing the following appearances  
were entered and proceedings had.

APPEARANCES: John H. Gamblin appears in person. A. C.  
Cruce of Cruce, Cruce & Bleakmore, appears on  
behalf of the petitioners.  
G. Rosenwinkel, representing Mansfield,  
McMurray & Cornish, appears on behalf of the  
Choctaw and Chickasaw Nations.

- - -

MR. ROSENWINKEL: The Choctaw and Chickasaw Nations object to any proceedings being had in this cause, for the reason that the petitioners were denied citizenship in the Choctaw Nation by decree of the Choctaw and Chickasaw Citizenship Court.

We object for the further reason that the motion herein to reopen and reconsider this case was not filed within the time prescribed by the Act of Congress approved April 26, 1906.

- - -

JOHN H. GAMBLIN, being duly sworn testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A John H. Gamblin.  
Q How old are you? A Fifty-eight.  
Q What is your postoffice address? A Duncan.  
Q Are you related to Joseph W. Gamblin? A Yes sir.  
Q What relation are you to him? A He is my son.  
Q How old is Joseph W. Gamblin? A He is about thirty-three.  
Q What is his mother's name? A Lizzie Ann.  
Q Is Joseph W Gamblin married? A Yes sir.  
Q What is the name of his wife? A Emma.  
Q Is she living at the present time? A Yes sir.  
Q Has he any children? A Yes sir.  
Q Give their names and ages? A Indianola, I think she is ten.  
Q Has he any other children? A No sir, just the one child.  
Q Are you related to Orange Dorance? A I am not, no sir.  
Orange Dorance is the son of Emma Gamblin by a former marriage.  
Q Who was the father of Orange Dorance? A Jim Dorance.  
Q Is Jim Dorance now living? A No sir, dead.  
Q Has Emma Gamblin any other children?  
A Iocy Dorance and Dink Lyles (now Foxall), she married Foxall.  
Q How old is Orange Dorance? A She is about twenty-one or two. I have it in my pocket. That is about his age.  
Q Would like to get his exact age? (Refers to paper)  
A Twenty-one.  
Q What is the age of Iocy Dorance? A Nineteen.  
Q Orange Dorance and Iocy Dorance claim the right to enrollment through their mother, don't they, Emma Gamblin?  
A No sir, through their father. Emma Gamblin is an intermarried. Emma Gamblin married my son.  
Q Then the only right Orange Dorance and Iocy Dorance claim to enrollment is by reason of the fact of their mother, Emma Gamblin, marrying Joseph W. Gamblin?  
A No sir, they claim it from their father. I don't know a thing about that. I have seen them, but not through her mother I know, because she don't claim no Indian blood.  
Q When was Joseph W Gamblin married to Emma Gamblin?  
A 1890, some time in 1890.



(3)

Q About 1890? A Yes sir, '91 or '92.

THE COMMISSIONER: The name of Joseph Gamblin appears on the 1896 Choctaw Census Roll opposite No. 4916. The names of Emma Gamblin and Indianela Gamblin appear on said roll opposite Nos. 4917 and 4918, respectively.

The names of Orange Dorance and Icey Dorance do not appear upon said roll.

The names of Isa Daurence and Orange Daurence appear upon the 1896 Choctaw Census Roll opposite Nos. 3548 and 3549, respectively, ages fourteen and thirteen respectively. Opposite said names appears the following notation, "Enrolled without authority of law."

It does not appear from the records of this office that any application was ever made for the enrollment of the petitioners, Orange Dorance and Icey Dorance, prior to the filing of the petition herein

MR. ROSENWINKEL: We want to interpose an objection to any further consideration of the petition of Orange Dorance and Icey Dorance, for the reason that it does not appear from the records of the Commission that application for their enrollment was made prior to December 1, 1905.

BY THE COMMISSIONER:

Q What is the name of your wife? A Lizzie Ann.  
Q When were you married to Lizzie Ann Gamblin? A In 1867.  
Q How old is she? A About fifty-six.  
Q Is she living at the present time? A Yes sir.  
Q She and you are living together as husband and wife? A Yes.  
Q By what name do you claim that you were enrolled on the 1896 Choctaw Census Roll? A Jehn H. Gamblin.  
Q John H.? A John H. or J. H.  
Q In what county were you living then? A I was living in Pickens County.  
Q The name of "Jno. A. Gamblin" appears on the 1896 Choctaw Census Roll of Blue County, opposite No. 4914. After said name is written in parenthesis "Jno. H. Gamblin". The name of Ann-- Gamblin appears upon said roll opposite No. 4915. Opposite said name is written in parenthesis "Eliza Ann Gamblin."

(Witness dismissed).

-----

S. T. Wright, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he recorded the testimony and proceedings had in the above entitled cause, and the foregoing is a true and correct transcript of his stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this August 10th, 1906.

Dennan Colkaggs  
Notary Public

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY,  
JULY 30, 1906.

---

IN THE MATTER of the application for the enrollment of  
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UNDER THE REGULATIONS adopted by the Commissioner to the  
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ruary 6, 1906 by Cruce, Cruce & Bleakmore attorneys for peti-  
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Q What relation are you to him? A He is my son.  
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Q What is his mother's name? A Lizzie Ann.  
Q Is Joseph W Gamblin married? A Yes sir.  
Q What is the name of his wife? A Emma.  
Q Is she living at the present time? A Yes sir.  
Q Has he any children? A Yes sir.  
Q Give their names and ages? A Indiamela, I think she is ten.  
Q Has he any other children? A No sir, just the one child.  
Q Are you related to Orange Dorance? A I am not, no sir.  
Orange Dorance is the son of Emma Gamblin by a former marriage.  
Q Who was the father of Orange Dorance? A Jim Dorance.  
Q Is Jim Dorance now living? A No sir, dead.  
Q Has Emma Gamblin any other children?  
A Ikey Dorance and Dink Lyles (now Foxall), she married Foxall.  
Q How old is Orange Dorance? A She is about twenty-one or two. I have it in my pocket. That is about his age.  
Q Would like to get his exact age? (Refers to paper)  
A Twenty-one.  
Q What is the age of Ikey Dorance? A Nineteen.  
Q Orange Dorance and Ikey Dorance claim the right to enrollment through their mother, don't they, Emma Gamblin?  
A No sir, through their father. Emma Gamblin is an intermarried. Emma Gamblin married my son.  
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Q When was Joseph W Gamblin married to Emma Gamblin?  
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Q About 1890? A Yes sir, '91 or '92.

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BY THE COMMISSIONER:

Q What is the name of your wife? A Lizzie Ann.  
Q When were you married to Lizzie Ann Gamblin? A In 1867.  
Q How old is she? A About fifty-six.  
Q Is she living at the present time? A Yes sir.  
Q She and you are living together as husband and wife? A Yes.  
Q By what name do you claim that you were enrolled on the 1896 Choctaw Census Roll? A John H. Gamblin.  
Q John H.? A John H. or J. H.  
Q In what county were you living then? A I was living in Pickens County.  
Q The name of "Jno. A. Gamblin" appears on the 1896 Choctaw Census Roll of Blue County, opposite No. 4914. After said name is written in parenthesis "Jno. H. Gamblin". The name of Ann-- Gamblin appears upon said roll opposite No. 4915. Opposite said name is written in parenthesis "Eliza Ann Gamblin."

(Witness dismissed).

-----

S. T. Wright, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he recorded the testimony and proceedings had in the above entitled cause, and the foregoing is a true and correct transcript of his stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this August 10th, 1906.

Dennan C. Haggard  
Notary Public.

the five classified tribes, the object of each definition.

Y. Roberts, 90<sup>1</sup> e Crennity Street

**KNOX Orange Dolomite and Yca Dolomite**

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

## CONCLUSIONS



DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In Re

~~Joseph W. Gamblin~~ Joseph W. Gamblin

~~Indian~~ Indian, Gamblin, King

~~Grand~~ Grand, Dorrance and Jay Dorrance

I, Roberta Wiblack, do solemnly swear  
that on the 2d day of February, 1906, I placed in the  
postoffice at Ardmore, Indian Territory, a letter addressed  
to Mansfield, McMurray & Cornish, inclosing a true and correct  
copy of the petition in the above entitled cause; and, that  
on the same day I deposited in the postoffice at Ardmore,  
Indian Territory, a letter addressed to the Commissioner to  
the Five Civilized Tribes, the original of such petition.

Attached hereto is the registry return receipt,  
showing that Mansfield, McMurray & Cornish received the  
letter addressed to them, inclosing the copy of said petition.

Roberta Wiblack

Subscribed and sworn to before me this the 5 day of  
February, 1906.

J. O. Sullivan  
Notary Public.

My commission expires Jan 12 1907

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 14, 1907.

7-5282, 7-5058, 5284, 5285, 5059, 5054, 7-B 430, C 52, C 125,  
C 96, W 182, W 183, W 184, W 181.

In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

Cruce, Cruce & Bleakmore of Ardmore, Indian Territory, appear on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

J. H. Gamblin, being first duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A J. H. Gamblin.  
Q How old are you? A 58.  
Q What is your postoffice? A Duncan, I. T.  
Q Who is Joseph W. Gamblin? A My son.  
Q How old is he? A 32.  
Q Is he living? A Yes, sir.  
Q Who is Emma Gamblin? A His wife.  
Q Is she living? A Yes, sir.  
Q Who is Indianola? A His daughter.  
Q Who is Eliza Ann Gamblin? A She is my wife.  
Q Who is Anna Gamblin? A She is my wife, I suppose, Eliza Ann.  
Q Who is Walter Gamblin? A He is my son.  
Q Who is Amanda Gamblin? A My daughter.  
Q Is she also known as Amanda Latoma? A Yes, sir.  
Q Who is Hattie Skelton? A She is my daughter.  
Q Who is Lovie Scott? A She is a niece of my wife.  
Q Does she claim any blood right? A Yes, sir.  
Q Who is Hattie Myrtle Scott? A Lovie Scott's daughter.  
Q Who is Minnie Raverta Scott? A Lovie Scott's daughter.  
Q Who is Archie McCoy? A Her son.  
Q Who is Mary Melinda Jones? A That is a sister of my wife.  
Q Who is Glennis Scott? A That is Lovie's daughter.  
Q Who is Joseph A. Scott? A That is Lovie's son.  
Q Is James I. Scott her son? A Yes, sir.  
Q Who is Lovie Scott's husband? A George Scott.  
Q Were they married under a Choctaw license? A No, sir.  
Q Who is Lydia Gamblin? A She is Walter's wife.  
Q Does she claim any blood right? A No, sir, she is intermarried.  
Q Who is Benny Gamblin? A He is Walter's son.  
Q And Fred? A He is his son too.  
Q Who is William D. Skelton? A He is the son of James W. Skelton.

- Q Who is Icy Skelton? A Icy Skelton is the daughter of James Skelton.
- Q Who is Glenn Reed? A He is Toma Reed's son.
- Q And who is their mother? A My daughter, Toma Reed. Her name is Amanda Reed.
- Q Is Amanda Gamblin and Amanda Reed the same woman? A Yes, sir.
- Q How many children has Amanda I. Reed? A Four.
- Q What are their names? A Archie, Glenn, and Anna Kehla, and Joe Rex.
- Q Joseph Rexford? A Yes, sir.
- Q Who is Archie Reed? A She is Toma Reed's daughter.
- Q Her husband is also named Arch Reed is he not? A Yes, sir.
- Q He is a white man? A Yes, sir.
- Q Was he married to his wife under a Choctaw license? A No, sir.
- Q Who is Walter Gamblin, whose name is mentioned in the petition here? A My son.
- Q Has any application been made for him? A Yes, sir.
- Q How old is he at this time? A 39.
- Q Is he the same man as James W.? A Yes, sir.
- Q His name is James Walter? A James Walter.
- Q Now, who is Orange Dorance? A It is the step-son of my son Joe.
- Q Who is Icy Dorance? A That is the stepdaughter of Joseph Gamblin.
- Q Who is the mother of these children? A Joseph Gamblin's wife.
- Q What is her name? A She was a Dorance. A widow when he married her.
- Q What is her first name? A Emma.
- Q She is a white woman? A Yes, sir.
- Q Who is the father of these children? A Jim Dorance.
- Q Was he a white man? A I don't know.
- Q It doesn't appear from the records of this office that any application was ever made for Orange Dorance and Icy Dorance as citizens of the Choctaw Nation, nor for Arch Reed the husband of your daughter, Amanda Reed.
- Q Where were you born, Mr. Gamblin? A In the state of Georgia.
- Q What is the name of your father? A Joseph.
- Q What is the name of your mother? A Mahale.
- Q Did either of your parents possess any Indian blood? A No, sir.
- Q They were white people? A Yes, sir.
- Q You don't claim any Indian blood yourself, then? A No, sir.
- Q You claim solely by reason of the fact that your name is on the 1896 roll? A I claim by intermarriage.
- Q What is the name of your wife? A Jones.
- Q Her full name? A Liza Ann Jones.
- Q How old is she? A She is 56.
- Q Where was she born? A She was born in Georgia.
- Q What is the name of her father? A James.
- Q James Jones? A Yes, sir.
- Q What is the name of her mother? A Elizabeth Brown.
- Q Now, did either of her parents possess any Choctaw blood?
- A Yes, sir.
- Q Which one? A Her father.
- Q What was the amount of Choctaw blood he had? A  $1/4$
- Q In what county in Georgia was she born? A Catoosa.
- Q Are either of her parents living at this time? A No, sir? They're dead a good many years.
- Q When did James Jones die? A I can't tell exactly; some thirty years ago.
- Q Where did he die? A He died at Russellville, Arkansas.

- Q Elizabeth Brown was a white woman was she? A Yes, sir.
- Q Did James Jones move west of the Mississippi River? A Yes, sir.
- Q At what time? A About '33, as well as I recollect; he told me.
- Q Did you know him in his lifetime? A Yes, sir.
- Q Were you married before your wife came west? A Yes, sir.
- Q Married her in the state of Georgia? A Yes, sir.
- Q What was the date of your marriage to Eliza Ann Jones?
- A '67. was
- Q What month of it? A 10th day of January, 1867.
- Q Did you ever remarry your wife after you came to the Choctaw Nation? A No, sir.
- Q Have you ever secured a Choctaw license at any time? A No, sir.
- Q Now, who is the father of James Jones? A James Jones father's name is James.
- Q Did he have any Indian blood? A Yes, sir.
- Q How much? A He was a half-breed.
- Q What was the name of James Jones, Jr.'s mother? A Her name is Tuskanoga.
- Q What was her blood? A She was a fullblood Choctaw.
- Q Were you acquainted with either James Jones or his wife whom you claim was a fullblood? A No, sir.
- Q Do you know where they resided during their lifetime? A No, sir.
- Q Who was the mother of James Jones Jr.? A I don't know.
- Q Then your statement that her name was Tuskanoga was not correct?
- A No, sir. She was Simon Jones' wife.
- Q Who is the father of James Jones, Sr.? A Simon P. Jones.
- Q What was his blood? A He was a white man.
- Q Who is the mother of James Jones, Sr.? A I don't know.
- Q Who is this Tuskanoga you mentioned a while ago?
- A I couldn't tell you only from the people telling my great-grandmother my wife's great-grandmother was Tuskanoga and her grandfather was Simon P.
- Q What relation does Tuskanoga bear to Simon? A She is his wife.
- Q Do you know where Simon P. Jones and his wife resided in their lifetime? A No, sir, I don't.
- Q Where did you get your information? About the ancestors of your wife? A My wife's father.
- Q When did he die? A He has been dead some 30 years.
- Q Do you know whether or not Simon Jones and his wife Tuskanoga had any other children besides James Jones? A I think they did, but I couldn't call their names.
- Q How many children did they have? A I don't know; one of their names was Bed - died here in the Choctaw Nation; never seen one of them.
- Q How old was James Jones at the time of his death? A I think he was just 83.
- Q Thirty years ago? A Yes, sir.
- Q That is James Jones, Jr.? A Yes, sir, my wife's father.
- Q Did you ever see James Jones-Jr.'s father? A No, sir.
- Q When you came west where did you first locate? A At Brown's Ferry, near Gainesville, Texas.
- Q Was your wife's father with you at that time? A No, sir.
- Q When did you go west? A About 22 years ago, as well as I recollect.
- Q Had her father already come west of the Mississippi?
- A He come in '32, but went back.
- Q When he came here in 1832 where did he locate? A Near Ft. Smith.
- Q In the state of Arkansas? A No, sir, in the territory.
- Q How long did he stay? A As well as I recollect I heard him say he stayed three years.



- Q When he went back where did he go to? A Went to Georgia.
- Q Did he return again? A No, sir, he started back when he died at Russelville, Arkansas, before he got here.
- Q Was he on his way then or had he settled at Russelville?
- A He was on his way back.
- Q Do you know whether or not either James Jones, Jr. or James Jones, Sr., or any of your wife's ancestors ever lived in the state of Mississippi or Alabama? A Yes, sir.
- Q Lived in which one? A Her father lived in Mississippi.
- Q Where was he living at the time he removed from Georgia west?
- A He was living in Catoosa county, Georgia, when he came here.
- Q How long had he lived in that county? A Lived there two years.
- Q Where did he live prior to that time? A He lived in Lunkin County, Georgia.
- Q How many years? A I couldn't tell you.
- Q What years did he ever live in Mississippi? A That is before he come west; he come west with the Choctaws.
- Q I asked you a moment ago when he first moved here in 1833, that was his first trip, wasn't it? A Yes, sir.
- Q Where was he living at that time? A In Mississippi.
- Q In what county? A I don't know.
- Q How do you know he was living in Mississippi? A He told me, that is all I know about it.
- Q You don't know what part of Mississippi he was living in?
- A No, sir.
- Q Couldn't locate it by any river or city? A No, sir.
- Q Did you ever hear him say that he was a beneficiary under Article 14 of the Treaty of 1830? A I never did hear him talk about it. Heard him say he left Mississippi and come here with the Indians about '33.
- Q How old a man was he when you first met him? A I couldn't tell. I was with him some 6 or 7 years before he died and he was 83 when he died. He was 70 I guess when I first met him.
- Q Does your wife know any more about her family history then you do? A I don't suppose she does; she never was about any of her people on the Jones side.
- Q Wouldn't she have reason to have just as much knowledge of these affairs as you have? A Yes, sir, I suppose she would.
- Q You have got all your information from her father? A Yes, sir. That is all I know about it.
- Q Did you yourself ever live in Mississippi? A We stopped there when we first come to this country; we stopped at Corinth.
- Q What year was that? A About '67 or 8.
- Q When James Jones returned from Indian Territory to the east, he didn't go back to Mississippi at all, he went to Georgia; went through Mississippi on the way to Georgia.
- Q Did you ever hear whether or not he had previously resided in Georgia before he came west the first time? A No, sir. I don't know, I don't think he did.
- Q Did you ever hear him say? A I never heard him say.
- Q Is your wife, Eliza Ann a sister of Mary M. Jones? A Yes, sir.
- Q Did you testify before the Choctaw-Chickasaw citizenship court?
- A I believe I did.
- Q Is your wife related to Josephine Jones that lives at Duncan?
- A Not that I know of.
- Q Your name together with that of your wife and some of your children were placed on the 1896 Census Roll by the Choctaw Revisory Board, were they not? A Yes, sir.
- Q Prior to that time did you have any petition with the Choctaw Council? A Yes, sir.

- Q When was that petition filed? A In 1891, I wouldn't be positive, but I think that is the date.
- Q Do you know whether or not any action was taken on it? A No, sir, I don't know.
- Q Did you go before the Revisory Board at Tuskahoma or some other point? A I went before them at Duncan.
- Q What did you do over there when they met? A Didn't do anything only Judge Durant just listed the people.
- Q What time was this? A I wouldn't be certain, I think it was in October, 1906.
- Q Wasn't it in January, 1897? A No, sir, I got a certificate sent to me then by them; I think it was January 14th, 1897.
- Q Don't you know as a matter of fact that the Revisory Board had no control at all until after the other Commission had expired? They didn't take charge of the work until in December, 1896.
- A Well, I don't know about that; I can't just tell the time only it was in the fall at Duncan in 1896.
- Q Who were the members of that Revisory Board? A Alex Durant, Davidson Homer; I forget the others names now, Judge something.
- Q You filed no petition with that board, you just went before them and had them enroll you? A I just met the Board at Duncan; I never filed any petition with them.
- Q You were living in the Chickasaw Nation then? A Yes, sir. In Duncan.
- Q You were enrolled as from Blue County in the Choctaw Nation.
- A I don't know anything about that.
- Q Had you ever lived in the Choctaw Nation? A Yes, sir.
- Q I believe you stated that you removed west in 1867 and settled near Gainesville, Texas? How long did you live there? A In '67 I stopped at Russellville and stayed there several years.
- Q How many years? A About 22 years ago I went down to Gainesville, Texas, and then I went back to Russellville, Arkansas.
- Q When you come west at what place did you stop? A I stopped at Russellville, Arkansas.
- Q In what year? A In 1867 - about that time.
- Q How long did you stay in Russellville? A I stayed there 7 or 8 years.
- Q Then where did you go? A Went out to Brown's Ferry in the Chickasaw Nation near Gainesville.
- Q How long did you stay there? A I stayed there something like two years.
- Q Then where did you go? A Went back to Russellville again.
- Q How long did you stay there this time? A I think I stayed there five years. I ain't certain - 4 or 5.
- Q Then where did you go? A To where I now live.
- Q At Duncan? A Yes, sir.
- Q All the residence you have had in the Indian Territory has been in the Chickasaw Nation? A And the Choctaw Nation.
- Q I ask you now about your residence; at no time have you stated you stopped in the Choctaw Nation? A Well, we stopped there about 2 or 3 months on the way back to Russellville.
- Q Since you came to the Chickasaw Nation about '81 the last time, have you resided there ever since? A Yes, sir, 1899; I have been there 16 years now.
- Q Have your children all resided in the Chickasaw Nation too?
- A All the time, yes, sir.
- Q Are any of the persons whose names I mentioned to you at the beginning of your examination dead? A No, sir, none dead.

- Q When you came to the Chickasaw Nation in 1881, what did you do for a living? A I was farming.
- Q Did you rent? A I rented the first year.
- Q After the first year what did you do for land? A I bought a place.
- Q Who from? A From Hick Ayerson. A fullblood Choctaw.
- Q Did you have to get out a permit? A No, sir. I did the first year I came here.
- Q Have you ever voted in the Chickasaw elections? A No, sir.
- Q Ever held any office in either the Choctaw or Chickasaw Nation? A No, sir.
- Q Have any of your sons? A No, sir.
- Q Outside of the fact that your names appear upon the '96 roll, and the fact you have held land, that is the only recognition you claim, isn't it? A No, sir, we have petitioned to the Choctaw Legislature. They permitted our man on the farm under us for several years; four I believe.
- Q Did you pay for those permits? A No, sir, the man farming on the place paid for it.
- Q Who is the mother of Lovie Scott? A Melinda Jones.
- Q Is she the same woman as Mary M. Jones, the applicant here? A Yes, sir.
- Q Who is the father of Lovie Scott? A I don't know.
- Q Do you know whether or not he was a white man or an Indian? A No, sir, I don't know.
- Q Do you know who Melinda Jones' husband was? A Never had any husband.
- Q Lovie Scott then is an illegitimate child? A Yes, sir.
- Q The card record in the case of Lovie S. Scott gives the name of her father as being Jim Jones, a non-citizen? Did you ever hear of him? A I don't know anything about that.
- Q She claims her Choctaw blood then through Melinda Jones who is a sister of your wife? A Yes, sir.
- Q And Melinda Jones and your wife came from the same common ancestor? A Yes, sir.
- Q I believe you stated that you didn't know whether Orange Dorance and Icy Dorance had any Choctaw blood? A No, sir, I don't.
- Q How old is Orange Dorance? A She is about 21.
- Q How old is Icy Dorance? A I suppose she is about 18.
- Q Are those the only names they have? A All I know of.
- Q Who does Lillie Gamblin claim her right to enrollment as an intermarried citizen through? A James Walter Gamblin.
- Q Lillie Gamblin is a white woman? A Yes, sir.
- Q When were they married? A Been married about 7 years.
- Q Where were they married? A Married right where he lives now, near Duncan.
- Q By whom? A I couldn't tell you that.
- Q Have you evidence of their marriage? A I was gone away when they were married.
- Q You weren't present? A No, sir, I wasn't present.
- Q Where was Lillie Gamblin living when she married your son, James Walter Gamblin? A Her father was living on my farm at that time near Duncan.
- Q Where was your son living? A He was living at my place, at home.
- Q Had she ever been married before she married your son? A No, sir.
- Q Had your son ever been married before? A No, sir.
- Q Have they lived together as husband and wife since they married up to the present in the Chickasaw Nation? A Yes, sir.



- Q You yourself were never remarried subsequent to your wife after 1896 or at any time under a Choctaw license or a Chickasaw license? A No, sir.
- Q Emma Gamblin claims right as an intermarried citizen by virtue of marriage with your son Joseph W. Gamblin? A Yes, sir.
- Q When were they married? A Been married about 11 years.
- Q Were you present at their marriage? A No, sir.
- Q Where was Emma living at that time? A Living near Duncan.
- Q Your son was living there also? A Yes, sir.
- Q Have they lived together ever since as husband and wife?
- A Yes, sir.
- Q Had your son been married prior to his marriage with Emma?
- A No, sir.
- Q Had she? A Yes, sir.
- Q To whom? A Jim Dorance.
- Q Was he a white man? A Claims to be part Choctaw/ Couldn't tell, I don't know.
- Q Was he living when your son married this woman? A Yes, sir.
- Q Had Emma been divorced from him? A Yes, sir.
- Q Have you a copy of the decree of divorce for the purpose of filing? A No, sir.
- Q Have you any evidence of her marriage to your son? A No, sir.
- Q Have you any papers to file - certificate of marriage? A No, sir.
- Q Did James Jones, your wife's father, tell you where he was born?
- A I don't think he ever did.
- Q Did you ever hear where he was born? A I believe he was born in Georgia.
- Q Wasn't he born in Franklin County, Georgia? A I reckon he was.
- Q Do you know what years he was residing in the state of Mississippi? A No, sir, I don't.

BY MR. CRUCE:

- Q Mr. Gamblin, I understood you to say a while ago that the first year you came here you got a permit and paid the permit taxes?
- A Yes, sir.
- Q Since then you have never paid any? A No, sir, the man under me on the farm paid it.

The applicant offers in evidence a permit issued in 1894 by C. W. Carter, Permit Collector, Pickens County, Chickasaw Nation, certifying that A. S. Peck has complied with the permit law and being in the employ of J. H. Gamblin.

- Q Mr. Gamblin, how far is it from your home the way you have to go home from here? A Something like 300 miles.
- Q Does your wife know any more about the family history of her family than you do? A I don't think she does.
- Q You testified a while ago that James Jones, your wife's father, came to this country you think in '33? A I think so.
- Q Did you learn from him in what capacity he came here?
- A He was captain of a squad.
- Q Squad of Choctaw Indians? A Yes, sir.

Cruce: If the Commissioner please we have here a certificate from A. C. Tanner, Acting Commissioner of Indian Affairs, July 27, 1904, which gives certified copies of Indian Office records

of Indians who came to the Indian Territory under James Jones as captain, and also showing that James Jones, Nathaniel Jones and William Jones were granted land under the 19th article of the Choctaw Treaty of 1830.

Commissioner; The notation of the paper referred to by you will not be accepted inasmuch as it is a part of the Choctaw-Chickasaw Citizenship Court record, but the reference to the papers included therein will be made in this record. It includes "A muster roll of Choctaw Indians showing arrival, age, sex,

etc., - belonging to Red River District," wherein the name of James Jones appears. Also reference to James Jones is found in Brown and Kin Common's on page 285; also letter of Indian office dated May 19, 1848 addressed to Honorable P. W. Tompkins, House of Representatives, showing that James Jones and others were entitled to reservations under Article 19 of the Treaty of 1830; said letter is found in letter book No. 40.

- Q Do you know who Nathaniel Jones was and William Jones?  
 A I don't know only just what he told me.  
 Q What who told you? Q James Jones told me.  
 Q What did he say about it? A He told me that they was his set of people.  
 Q What kind were they to him? A Own cousins.

BY THE COMMISSIONER:

- Q When you removed ~~th~~ from Arkansas to the Chickasaw Nation the second time about '85, did you leave the Chickasaw Nation again?  
 A When I left Arkansas the second time and come to the Chickasaw Nation, I resided where I am now ever since.  
 Q Have your children also? A Yes, sir.

WITNESS EXCUSED.

F. Elma Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings in the above entitled and numbered cause, and that the foregoing is a true and correct transcript of her stenographic notes taken therein.

F. Elma Lane

Subscribed and sworn to before me this 16th day of January, 1907.

Walter W. Chapple  
 Notary Public.

C- 54  
C-125  
C- 96  
F-182  
W-1-3  
F-182  
W-181  
7-5058  
7-5284  
7-5285  
7-D-430  
7-5059  
7-5282  
7-5054  
23-996  
23-957  
23-933  
23-891.

COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of John H. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John H. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1896, application was made for the enrollment of Lovie F. Scott (twenty-four years of age), and her four minor children, Hattie M. (seven years of age), Winnie R. (four years of age), Archie M. (two years of age) and Glennie Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the commissioner to the five Civilized Tribes for the enrollment of the following applicants, under the provisions of the act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Wrad Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Deral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Ioy Skelton (born October 13, 1904); on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennie Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennie Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, . . . . . Mary Malinda Jones . . . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Hattie Lovinia Gamblin and John H. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, . . . . . Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, . . . . . Glennie Scott, . . . . . the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the commission to the five Civilized Tribes in 1896, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1906, the commission to the five civilized Tribes entered of record orders dismissing the applications for the enrollment of Penny Gamblin, Archie Reed, Glenn Reed, Joseph J. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship court.

3.

February 1, 1905, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, The Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1906 (I. T. D. 1958-1905), the same was affirmed by the department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 5, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Hattie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Hattie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William P. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Ikey Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Ikey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie P. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Hattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehla Reed and Joseph Pexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie P. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Hattie M. Scott, Winnie P. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie P. Scott, and George W. Scott; and the applicants, William P. Skelton and Icy Skelton, are the children of the applicant, Hattie L. Gamblin (now Hattie Lovenia Skelton), and James W. Skelton, a non-citizen.



It further appears from the record herein that John H. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the state of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James I. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4916, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John H. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary W. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10353-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Venny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Venny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

5.

Nation under the provisions of the Acts of Congress approved June 28, 1896 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1896 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John M. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1906 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Eliza Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1896 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Ivey Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Dorrance, Ivey Dorrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petition should be dismissed, and it is so ordered.

SIGNED *Tams Bixby*

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907



D.O.M.  
G.W.W.  
File 5-51  
D  
8478

J.W.H.  
J.W.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

No. 17077.  
Seal--Office of Ind. Affairs.  
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

14103  
14112  
14110  
14106

Elizabeth Allen.  
George A. Bungarner.  
Loutitia Crutchfield.  
Everett Crutchfield.

16111  
16106  
16107  
16108  
16109  
921  
922  
16104

George W. Crutchfield.  
Ida Crutchfield.  
Ima Crutchfield.  
Louvinia Crutchfield.  
William Crutchfield.  
Josephine Laflors Long.  
Jake Laflors Long.  
David Ritter.

It no appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elisabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elisabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken

concerning the first of said persons; also whether the said Ida M. Southard and Grever Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grever Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved

# **CORRECTION**

**THESE DOCUMENTS  
HAVE BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

No. 294.

Department,  
Wilson.  
Washington, D.C.  
March 1, 1909.

Calls attention to Departmental letter of Jan. 25, 1909, in regard to names of certain persons that were inadvertently included in Department letter of Jan. 19, 1909, Ida Crutchfield, et al.

D.O.M.  
G.W.W.  
File 5-51  
D  
6476

J.W.H.  
J.W.H.  
W.C.P.  
J.W.L.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 1, 1909.

No. 17077.

Seal--Office of Ind. Affairs.  
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.

14103  
14112  
14110  
14106

Elizabeth Allen.  
George A. Bungarner.  
Leutitia Crutchfield.  
Everett Crutchfield.

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflors Long.
922	Jake Laflors Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elisabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15581. Ida Crutchfield's name appears opposite No. 15583, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elisabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grever Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken



concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15380 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved

and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Through the

Assistant Secretary,

Indian Office.

Land  
88228--08  
17077--09  
J B R

E B H  
E B M

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Meh. 6-09.  
Respectfully referred to the Commissioner  
to the Five Civilized Tribes, for appropriate  
action.

John Francis, Jr.  
Acting Chief Land Division.

1 Letter dated  
Meh. 1, 1909.

D 294-1909.

Muskogee, Oklahoma, April 29, 1909.

**Subject:**

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File S-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

Secretary 2

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John W. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Mattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianapolis Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Lovie F. Scott for the enrollment of herself and her children, Mattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennie Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Dora Skelton, Icy Skelton, Annie Kohla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John R. Gamblin, James W. Gamblin, Mattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indiamela Gamblin, Amanda L. Reed, Mary M. Jones, Lovie F. Scott, Mattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennie Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 142 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennie Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Secretary 4

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This Cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Lewis Francis Scott, or Lewis Francis Scott, Mattie Myrtle Scott, Minnie Roberta Scott, Annie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilborn Gamblin, Indimela Gamblin, Amanda Intema Gamblin, Mattie Levinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Nina Ann Gamblin or Eliza Ann Jones, and Glenella Scott, the court having no jurisdiction their petition was dismissed.



Secretary 5

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1908, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1905, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennie Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 ( I T D 1950-1905) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianapolis Gamblin, Orange Dorrance, Ikey Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amanda Reed (or Amanda Lutoma Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lewis Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McGee Scott (or Archie Scott), Mary Melinda Jones, Glennie Scott, Joseph

Secretary 7

H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Derrance, Icy Derrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott and Minnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1908 (I T D 1822-1904) and December 2, 1908 (I T D 3493-1908) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1906 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 (I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Levie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie W. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 26, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Darrel Skelton, Icy Skelton, Annie Kahla Reed and Joseph Rexford Reed as

Secretary 9

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John W. Gamblin, Mary W. Jones, Orange Dorrance, Leey Dorrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16181 to 16196, inclusive;  
Choctaws by marriage . . . Numbers 1651 and 1652.  
Minor Choctaws by blood . . Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Secretary 10

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 ( I F D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Cheetaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 26, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and



Secretary 11

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

20 March 1, 1907 ( I T Y 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John W. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 ( I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John W. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.



Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following:

"and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 ( I T D 73379, 76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

AB

Choctaw 5058

Muskogee, Oklahoma, June 10, 1909.

Mr. John H. Gamblin,  
Comanche, Oklahoma,

Sir:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

COPY.

MC-8-25.

Muskogee, Indian Territory, February 8, 1906.

Cruce, Cruce & Bleakmore,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 1, 1906, transmitting a petition for the enrollment of Joseph W. Gamblin, et al., as citizens of the Choctaw Nation.

You will be advised of any action taken by this office on said petition.

Respectfully,

SIGNED *Wm. O. Deal*

Acting Commissioner.

Muskogee, Indian Territory, June 26, 1906.

Cruse, Cruse & Blackmore,

Ardenre, Indian Territory.

Gentlemen:

This office is in receipt of your letter of June 16, 1906, requesting that hearings in the matter of certain petitions for enrollment as citizens of the Choctaw and Chickasaw Nations, pending before this office, in which petitions you appear as attorneys for the petitioners, be set for hearing on the same date. The petitions referred to by you are of the following persons:

Lottie Barr  
A. A. Spring et al.  
W. R. Grooms et al.  
J. W. Hyden et al.  
Nancy J. Hood et al.  
Henry Pruitt et al.  
A. M. Jackson et al.  
Mrs. O. L. King et al.  
Lillian E. Womack et al.  
J. H. Gamblin et al.

Teresa Wilson et al.  
L. F. Rhoades et al.  
Dink Foxall et al.  
D. W. Hyden et al.  
Ocell Smith et al.  
Bessie Shi et al.  
Oscar E. Jackson et al.  
John S. Layman et al.  
Joe M. Brown et al.  
Joseph W. Gamblin et al.

You are advised that in the matter of the petition of John S. Layman et al. above referred to this office on May 8, 1906 notified you, the petitioner, John S. Layman, and the attorneys for the Choctaw and Chickasaw Nations that a hearing would be had in said case at the office of the Commissioner on June 5, 1906 at nine o'clock A. M., said petition having been consolidated with the petition of Joseph C. Moore et al. On the date set for hearing no appearance was entered by or on behalf of John S. Layman, or the other petitioners

C. C. & H. -----2

included in his petition. The Commissioner, however, secured such testimony relative to the right of John H. Layman to enrollment as a citizen of the Chickasaw Nation as the other witnesses present were able to give. Said case has not been passed upon by the Commissioner.

On June 14, 1906 you were notified that the Commissioner would at his office at Muskogee, Indian Territory on Thursday, June 28, 1906 at nine o'clock A. M. hear such testimony and receive such other evidence as may be submitted in support of the petition of Lillian H. Womack et al. above referred to.

In the matter of the petition of John H. Gamblin et al., referred to in your letter, you are advised that the records of this office do not show that you are the attorneys for the petitioners therein. If it is your desire to have your names entered as attorneys for said petitioners it is desired that you so notify this office as early as practicable.

The other petitions referred to in your letter are now pending before this office. Said petitions will be taken up for consideration as early as practicable and if it be found that the petitioners are entitled to a hearing a date for said hearing will be set in accordance with the request contained in your letter of June 16, 1906.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 9, 1906.

Emma Gamblin,

Duncan, Indian Territory.

Dear Madam:

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, July 30, 1906, at one o'clock P. M. hear such testimony and receive such other evidence as may be submitted in support of the petition filed for the enrollment of Joseph W. Gamblin, et al. as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.



Muskogee, Indian Territory, July 9, 1906.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, July 30, 1906, at one o'clock P. M. hear such testimony and receive such other evidence as may be submitted in support of the petition filed for the enrollment of Joseph W. Gamblin, et al. as citizens by blood of the Choctaw Nation.

Similar notice has this day been forwarded to Emma Gamblin, at Duncan, Indian Territory, her last known postoffice address.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, July 9, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, July 30, 1906, at one o'clock P. M. hear such testimony and receive such other evidence as may be submitted in support of the petition filed for the enrollment of Joseph W. Gamblin, et al. as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-5285.

Muskogee, Indian Territory, January 5, 1907.

Joseph W. Gamblin,

Duncan, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of yourself and others as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5285.

Muskogee, Indian Territory, January 5, 1907.

Cruce, Cruce, & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

In the matter of the petitions filed with this office on February 6 and 20, 1906, praying for the enrollment of Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icy Dorrance, John H. Gamblin and Eliza Ann Gamblin as citizens of the Choctaw Nation, you are advised that said petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similar notices have this day been forwarded to Joseph W. Gamblin, Duncan, Indian Territory, and John H. Gamblin, Duncan, Indian Territory.

Respectfully,

Commissioner.

7-5285.

Muskogee, Indian Territory, January 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the petitions filed with this office praying for the enrollment of Joseph W. Gamblin et al., as citizens of the Choctaw Nation, you are advised that the principal petitioners, together with their attorneys, have been notified to appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A.M., and give testimony relative to their right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5285.

Muskogee, Indian Territory, January 5, 1907.

Gilbert & Bond,  
Attorneys at Law,  
Duncan, Indian Territory.

Gentlemen:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of John H. Gamblin, Anna Gamblin, Joseph Gamblin, Emma Gamblin, Indianola Gamblin, Walter Gamblin, Amandy Gamblin, Hattie Gamblin, Amandy Lutoma Reed, nee Gamblin, Lovie Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Archy McCoy Scott and Mary Malinda Jones as citizens of the Choctaw Nation, you are advised that the principal petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similiar notices have this day been sent to Mary M. Jones, Tatum, Indian Territory, Elisa Ann Gamblin, Duncan, Indian Territory, Joseph W. Gamblin, Duncan, Indian Territory, John H. Gamblin, Duncan, Indian Territory, George Scott, Comanche, Indian Territory, James W. Gamblin, Comanche, Indian Territory, Hattie L. Skelton,

C & B - 2.

Comanche, Indian Territory, and Arch Reed, Comanche, Indian Territory.

Respectfully,

Commissioner.



4  
7-5282.

Muskogee, Indian Territory, January 5, 1907.

Mary M. Jones,

Tatum, Indian Territory.

Dear Madam:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of yourself and others as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5284.

Muskogee, Indian Territory, January 5, 1907.

Eliza Ann Gamblin,

Duncan, Indian Territory.

Dear Madam:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of yourself and others as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5058.

Muskogee, Indian Territory, January 5, 1907.

John H. Gamblin,

Duncan, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of yourself and others as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizen.

Respectfully,

Commissioner.

7-5054.

Muskogee, Indian Territory, January 5, 1907.

Gilbert & Bond,  
Attorneys at Law,  
Duncan, Indian Territory.

Gentlemen:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of George Scott, his wife, Lovie Scott, and their minor children, Myrtle, Bertie, Archie, Glennis, Joseph A. and James I. Scott, as citizens of the Choctaw Nation, you are advised that said petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similar notice has this day been forwarded to George Scott at Comanche, Indian Territory.

Respectfully,

Commissioner.

7-5054.

Muskogee, Indian Territory, January 5, 1907.

George Scott,

Comanche, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of yourself, your wife, Lovie Scott, and your minor children, Myrtle Scott, Bertie Scott, Archie Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1906, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5058  
7-D-430.

Muskogee, Indian Territory, January 5, 1907.

Gilbert & Bond,  
Attorneys at Law,  
Duncan, Indian Territory.

Gentlemen:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of James W. Gamblin (as Walter Gamblin), his wife, Lillie Gamblin, and their minor children, Benny and Fred Gamblin, as citizens of the Choctaw Nation, you are advised that said petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1906, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similar notice has this day been forwarded to James W. Gamblin at Comanche, Indian Territory.

Respectfully,

Commissioner.

7-5058.  
7-D-430.

Muskogee, Indian Territory, January 5, 1907.

James W. Gamblin,

Comanche, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of yourself, your wife, Lillie Gamblin, and your minor children, Benny and Fred Gamblin, as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.



7-5058.

Muskogee, Indian Territory, January 5, 1907.

Gilbert & Bond,

Attorneys at Law,

Duncan, Indian Territory.

Gentlemen:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of Hattie Skelton (nee Gamblin) and her minor children, William D. and Icie Skelton, as citizens of the Choctaw Nation, you are advised that said petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similar notice has this day been forwarded to Hattie L. Skelton at Comanche, Indian Territory.

Respectfully,

Commissioner.

7-5058.

Muskogee, Indian Territory, January 3, 1907.

Hattie L. Skelton,  
Comanche, Indian Territory.

Dear Madam:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of yourself and your minor children, William D. and Ioie Skelton, as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner,

7-5059.

Muskogee, Indian Territory, January 5, 1907.

Gilbert & Bond,  
Attorneys at Law,  
Duncan, Indian Territory.

Gentlemen:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of Arch Reed, his wife, Toma Reed, and their minor children, Archie Reed, Glen Reed and Anna Keller Reed, as citizens of the Choctaw Nation, you are advised that said petitioners should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to their right to enrollment as such citizens.

Similar notice has this day been forwarded to Arch Reed at Comanche, Indian Territory.

Respectfully,

Commissioner.

7-5059.

Muskogee, Indian Territory, January 5, 1907.

Arch Reed,

Comanche, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 9, 1906, praying for the enrollment of yourself, your wife, Toma Reed, and your minor children, Archie Reed, Glen Reed and Anna Keller Reed, as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

7-5285.

Muskogee, Indian Territory, January 5, 1907.

Joseph W. Gamblin,  
Duncan, Indian Territory.

Dear Sir:

In the matter of the petition filed with this office on March 6, 1906, praying for the enrollment of yourself and others as citizens of the Choctaw Nation, you are advised that you should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 14, 1907, at nine o'clock A. M., and give testimony relative to your right to enrollment as such citizens.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

C-52

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1907,

Mary M. Jones,

Tatum, Indian Territory;

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, dismissing the petition for your enrollment as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.  
Incl. C-52

John H. Gamble

Notary in

John H.

Chertow

Belmont 1898

Jan 14th 1898

103



Choc 6073

Henry McGee

6073

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment as a  
citizen by blood of the Chickasaw Nation of . . . . .

HENRY McGEE.....Memo. 215.

7-6073

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 28, 1906.

*Memo-*

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In the matter of the alleged application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

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Appearances: W. N. Redwine, of South McAlester, Indian Territory, appears as attorney for the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

There is filed for record herewith, notice served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, that on April 28, 1906, the applicants would appear before the Commissioner to the Five Civilized Tribes and present testimony relative to his right to enrollment as a citizen by blood of the Chickasaw Nation. Said notice bears the date of April 21, 1906.

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HENRY MCGEE, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Henry McGee.  
Q How old are you? A Will be thirty-three the 11th of June.  
Q What is your postoffice address? A Calvin.  
Q What is the name of your mother? A Paralee Jones, before she married my father.  
Q What was she? A She was an intermarried  
Q White woman? A Yes.  
Q What was the name of your father? A George McGee.  
Q What was he? A He was a Chickasaw.  
Q By blood? A Yes sir.  
Q How much blood did he have? A Why, I never heard, but perhaps a quarter, at least that much.  
Q Is your mother living? A No, she is dead.  
Q When did she die? A She died in '91, May the 15th.  
Q 1891? A Yes sir.  
Q Is your father living? A No.  
Q When did he die? A He died as near as I can remember when I was four years old.  
Q Were your father and mother married? A I do not know.

- Q Where was your father living at the time of his death?  
A In Skullyville County, Choctaw Nation.  
Q Has he got any brothers or sisters living? A I couldn't say as to that. I don't know.  
Q Have you ever been admitted by the Chickasaw tribal authorities as a member of the Chickasaw tribe? A No sir.  
Q Have you ever been admitted by the Commission? A No sir.  
Q Have you ever been admitted by the United States Court?  
A No, never did apply to them.  
Q Ever been admitted by the United States Indian Agent?  
A No sir, have not applied to him.  
Q Have you ever appeared in person before the Commission and made application for enrollment as a citizen of the Chickasaw Nation?  
A No sir.  
Q Have you ever been enrolled by the Chickasaw tribal authorities?  
A I think not.  
Q Where have you lived since your birth? A I lived, with the exception of two years, in the Choctaw and Chickasaw Nations.  
Q Where did you live those two years? A In Texas and Oklahoma.  
Q What two years were those? A Well, it was part of 1898 and part of 1899---  
Q What time in '98 did you leave? A Well, I left Coalgate, Choctaw Nation, June 15, 1898, and I went to Oklahoma, and from there to Texas on May 28, 1899, and then came back to the Choctaw Nation.  
Q What were you doing in Texas and Oklahoma at that time?  
A Laboring in harvest and farm work.  
Q Were you a single man? A Yes sir.  
Q Have you ever written to the Commission about your claim as a citizen by blood of the Chickasaw Nation? A Yes sir.  
Q When? A I stated before it was November or December, 1900.

It appears from the records of the Commission to the Five Civilized Tribes that on December 1, 1900, there was received from Henry McGee, the applicant herein, a letter dated November 30, 1900, Celestine, Indian Territory, wherein the applicant makes inquiry relative to his rights to enrollment as a citizen by blood of the Chickasaw Nation.

- Q That is the only time you have written this office?  
A No sir, that was the first time.  
Q When did you write to them again? A I written them one letter in last year--I don't remember that date--and then I written them two letters in this year. I have the letters at home.

By Mr. Redwine:

- Q State is your mother was ever married before she married your father, McGee? A Yes sir, she was.  
Q To whom was she married? A Alex Jones.  
Q Was he a citizen of the Choctaw Nation? A Yes sir.  
Q State whether there were any children born as the issue of her marriage to Alex Jones? A Two boys.

- Q What were their names? A Charley Jones and Alex Jones.  
Q Are they living? A Yes sir.  
Q Either one of them here to-day? A Yes sir.  
Q Which one? A Alex Jones.  
Q State if you know in what county in the Choctaw Nation your mother was married to Alex Jones? A As near as I know, in Skullyville County, Choctaw Nation.  
Q What do you know about her being married according to the Choctaw laws to Alex Jones? A I don't know anything only what I heard. I heard she was married according to the Choctaw laws.  
Q Have you ever tried to get a certified copy of the marriage license in Skullyville County? A Yes sir.  
Q Did you write to any one? A I written a letter to the county clerk in the year 1900, on behalf of my half brother.  
Q Where is that letter? A It was misplaced someway.  
Q You made a diligent search for it? A Yes sir.  
Q You may state the contents of it? A Well, sir, the letter stated that the court-house had been destroyed by fire in 1871, and the records had been destroyed.  
Q You have been unable to obtain a certified copy of the marriage license between your mother and Alex Jones? A Yes sir.  
Q How old were you when your mother died? A I was about eighteen years old. Seventeen or eighteen.  
Q Was Alex Jones a Choctaw by blood? A Yes sir.  
Q You stated in your chief examination you didn't know whether your mother was married to your father, George McGee? A Yes.  
Q You and state if your mother and George McGee lived together and were recognized as man and wife? A I have been told they were.  
Q Was your father dead before you can remember? A Yes sir, I don't remember him.  
Q How old were you when your father died? A Somewheres about four years old.  
Q Was he a Choctaw or Chickasaw? A He was a Chickasaw by blood.  
Q After George McGee, your father, died, I will ask you if your mother married again? A Yes sir.  
Q Did she marry a white man or an Indian this time? A A white man.  
Q How old were you when your mother died? A I were about seventeen or eighteen years old.  
Q You may state if your mother was recognized as a citizen of the Choctaw Nation or of the Chickasaw Nation? A She was recognized as a Choctaw citizen.  
Q In what way was she recognized by the authorities?  
A From and early marriage with a recognized Choctaw by blood.  
Q She was recognized as an intermarried citizen was she?  
A Yes sir.  
Q Was Alex Jones a Choctaw or Chickasaw? A He was a Choctaw.

By the Commissioner:

- Q What was your mother's maiden name? A Gardenhier.  
Q Where was she born? A Why, I don't know, but I beleive she were born in--well, I don't know where she were born. She were born in the states though.  
Q To whom was she first married? A Guy.

- Q What was he? A He was a white man.  
Q Where was she married to him? A I don't know.  
Q Did Guy die? A Yes sir.  
Q When? A He died before my oldest brother were born? My mother only had one child by him.  
Q Where did he die? A I don't know that.  
Q Do you know where they were living at that time? A I do not know? They lived near Fort Leavenworth, Kansas, about that time though, I think.  
Q After Guy died, who did she marry? A Alex Jones.  
Q Where was she living at that time? A In the Choctaw Nation.  
Q Whereabouts? A Skillyville County.  
Q What year was this? A I think in the year '65 or '66.  
Q Had Alex Jones been married prior to his marriage to her?  
A I don't know. I hardly think so though.  
Q Do you know who married them? A No, I don't know.  
Q Were they both living in the Choctaw Nation when they married?  
A My mother and Alex Jones, yes sir.  
Q How long did they live together? A Well, I don't know exactly, some four or five years.  
Q Then what happened? A He died. Alex Jones died.  
Q How many children were born as a result of this marriage?  
A Two sons.  
Q What time did she marry this George McGee? A I don't know exact, but somewhere about the year '71 or '72.  
Q She married McGee after the death of Jones? A Yes sir.

(Witness excused.)

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TANDY C. WALKER, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Tandy C. Walker.  
Q Postoffice Ada or Stonewall? A Stonewall.  
Q How old are you? A Going on sixty-six years old.

By Mr. Redwine:

- Q Are you a Choctaw or Chickasaw by blood? A Part Choctaw and part Chickasaw. My father was a Choctaw and my mother was a Chickasaw.  
Q What official positions have you held Mr. Walker, in the Choctaw or Chickasaw Nation, or both? A Most everything but governor.  
Q State some of them? A Well, I was representative for the Choctaw Nation in '74 and for several years after, and then I moved to the Chickasaw Nation and was elected senator for two years, and have been delegate to Washington three or four times, and then I was Commissioner with the Dawes Commission for the Chickasaws from '98 up until a year or so ago.  
Q Did you know, or did you not, George McGee, in his life time?  
A Yes sir, I knew one George McGee. Went to school with him.  
Q Was he Choctaw or Chickasaw? A Why, he was Chickasaw, but I am not sure but what his mother was Choctaw. I don't recollect, but his father was a Chickasaw.

- Q Do you know how long he has been dead? A No sir, it has been quite a while. You see I moved out of that county to the Chickasaw Nation.

By the Commissioner:

- Q What year did you move out? A I believe it was 1879 I moved out there.

By Mr. Redwine:

- Q Did you live in Skullyville County before you moved to the Chickasaw Nation? A Yes sir, I lived there about twenty years until I was grown.
- Q And you knew George McGee in Skullyville County before you were grown? A Yes sir, we was raised up together and went to school there.
- Q Are you acquainted with the laws and customs of the Choctaw Nation? A Well, the old laws, I was when I lived there, yes.
- Q Do you know whether or not George McGee and his wife were married? A No sir, I don't know. I had left Skullyville County.
- Q Well, you may state if it was the custom among the Choctaws for citizens to live together as man and wife without taking out a license? A Yes sir, I have known several of them to.
- Q Where they were citizens, they often lived together as man and wife? A Yes sir.
- Q And were they recognized as man and wife when they did? A Yes sir.
- Q Do you know anything about whether the records were destroyed in Skullyville County about 1870 or '71? A I don't know, but it appears that we wanted some evidence in a certain case when the Commission was at Spiro, and someone said the records had been burned up.
- Q Did you know Alex Jones during his life time? A Yes sir.
- Q Was he a Choctaw or a Chickasaw? A Choctaw.
- Q Did you know him when he lived with the mother of this applicant, here? A No, I had moved away then. I don't know who he married.
- Q You have been living in the Chickasaw Nation for several years, have you? A Yes sir.
- Q Live there now? A Yes sir.

By the Commissioner:

- Q Henry McGee testified here that his mother and father lived together about '70 or '71. You lived in the Choctaw Nation up to '79? A Yes, but I lived up at Canadian, one hundred miles from Skullyville County.
- Q Where did you know George McGee? A Why, at Skullyville. I was raised there together with him.
- Q He lived with this Henry McGee's mother before you left there evidently? A No, I left there before the war. I left Skullyville in '58, but I left the Choctaw Nation in '79.
- Q Who was George McGee's father? A Humphries McGee.
- Q What is the name of his mother? A I don't know. I think his mother died when he was a young fellow.



- Q Do you know whether George McGee was married before he married this woman? A I don't know anything about who he married. I lived there when I was young.
- Q When did Humphries McGee die? A He died several years ago, away before the war.
- Q How long did you know Alex Jones? A I knew him when he was boys there at Skullville. He was a brother to Charley Jones and Ben Jones who was killed there at McAlester.
- Q What was the name of his mother? A I disremember the first name. She was a Brashears, though.
- Q What is his father's name? A I don't know. I don't know his father.
- Q Do you know whether Alex Jones had ever been married before he married the McGee woman? A I don't sir, but I don't suppose he was. He was a right young fellow.
- Q Do you know when he died? A No sir, I don't. You see I left that part of the country.
- Q Do you know the applicant in this case? A No sir, I never seen him before until the other day.
- Q You don't know whether he is the son of George McGee and this woman or not? A I don't know whether he is or not.
- Q How much Indian blood did George McGee have? A Well, he was right along at a quarter or a half. He was pretty dark, a kind of red looking Indian. Wasn't a full blood and I don't think he was a half blood.
- Q How much blood, by looking at that man there, would you say he had? A Why, I guess he has got an eighth or sixteenth in him, somewheres along there.
- Q All you know, Mr. Walker, is that you were acquainted with George McGee and Alex Jones, and that George McGee is part Chickasaw and Alex Jones was part Choctaw? A Yes, Alex Jones was Choctaw and George McGee Chickasaw.

By Mr. Redwine:

- Q And both recognized as such? A Yes.

(Witness excused.)

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ALEX JONES, being first duly sworn, testified as follows:

Examination by Mr. Redwine:

- Q State your name? A Alex Jones.
- Q What is your postoffice? A Calvin, Choctaw Nation.
- Q How old are you? A I am thirty-six years old.
- Q Are you an Indian by blood? A Yes sir.
- Q What tribe? A Choctaw.
- Q Are you enrolled? A Yes sir.
- Q Allotted your lands? A Yes sir.
- Q What kin are you to Henry McGee who is an applicant for enrollment? A Why, a half brother.
- Q Who is your father? A Alex Jones.

- Q Was he a Choctaw Indian? A Yes sir.  
Q Do you know when he died? A I don't remember when he died.  
Q What is your mother's name? A Paralee.  
Q Paralee Jones? A Yes sir.  
Q Was she also the other of the applicant herein, Henry McGee?  
A Yes sir.  
Q You and Henry McGee were raised together were you? A Yes sir.  
Q Do you know when Henry McGee's father died? A I don't remember. I was so young then I don't remember anything about him.

By the Commissioner:

- Q Your mother is a white woman isn't she? A Yes sir.  
Q Do you know when your mother and father were married?  
A Well, I have always supposed they was married.  
Q When were they? A I could not say. They was married in Skullyville County.  
Q Are you the oldest child by Alex Jones? A No sir.  
Q How old is your brother? A He is something near thirty-nine years old. He lives in the Chickasaw Nation.  
Q Do you know how long your mother had been married when he was born? A No sir, I don't know that.  
Q You don't know who married your mother when she was married to Alex Jones? A I heard her say that Folsom married her.  
Q What Folsom? A I could not say what his given name was.  
Q Was your father ever married before he married this McGee woman?  
A No sir, not that I know of.  
Q Where did your mother live after she married Jones?  
A In Skullyville County.  
Q Until she died? A Well, she lived in Atoka County when she died.  
Q Lived in the Choctaw Nation all the time? A Yes sir.  
Q Do you know what year she died? A No, I don't remember. Been about fifteen years.

By Mr. Redwine:

- Q Your father, Alex Jones, died and after his death then your mother married George McGee, did she, and while living with George McGee your half brother was born, who is the applicant in this case? A Yes sir.

By the Commissioner:

- Q How old were you when your mother married McGee? I couldn't say.  
Q Do you know whether they were married at all or not?  
A No, nothing but they was living together as man and wife.

(Witness excused.)

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HENRY MCGEE, being recalled, testified as follows:

Examination by the Commissioner:

- Q What county were you born in? A Skullyville County.  
Q How long did you live in Skullyville County? A I don't remember how long I lived in Skullyville County. I lived in Coal and Atoka Counties nearly all my life.  
Q Coal, Atoka and Skullyville Counties? A Yes sir, and in Panola County, Chickasaw Nation, four years.

(Witness excused.)

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TANDY C. ANDERSON, being recalled, testified as follows:

Examination by the Commissioner:

- Q You say George McGee's father was a Chickasaw? A Said to be. I didn't know him to be his father, but he always claimed him as his father.  
Q Did he live there? A No, he lived in Wade County or Jacks Fork County.  
Q Do you know the name of George McGee's mother? A No, I don't recollect.  
Q Did you ever see her? A No, I don't remember.  
Q What was your understanding as to what blood she had?  
A I never knew anything about her.  
Q You don't know what degree of blood George McGee's mother had?  
A No, I don't know.

(Witness excused.)

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HENRY MCGEE, being recalled testified as follows:

Examination by the Commissioner:

- Q Your mother's maiden name was Gardenhiser? A Yes sir.  
Q She then married Guy? A Yes sir.  
Q After Guy's death she married McGee? A Alex Jones.  
Q And after Jones' death she married George McGee? A Yes sir.  
Q Your father? A Yes sir.  
Q Do you know how long McGee lived after their marriage?  
A No, I don't know.  
Q About how many years? A Well, between three and five. Somewhere along there.  
Q After McGee died, your mother married again? A Yes sir.  
Q Who did she marry? A She married a man by the name of Dickson.  
Q Was he a white man or an Indian? A White man.  
Q How long did she live with Dickson? A I don't know that. Just a short time.  
Q Did they separate? A No sir, my mother's father killed him; shot him.  
Q After Dickson's death, did she marry again? A Yes sir, she married Bill Morgan.

- Q What was Morgan? A He was a white man.  
Q Who is Cy Jones? A I do not know him.

The name Perilee Jones Morgan appears as number 514,  
Atoka County, 1885 Choctaw Census Roll.

- Q Did she have any children by Morgan? A Yes sir.  
Q What were their names? A I do not remember what the name  
of the oldest was, but the next one was John, the next one Hes-  
ter, and the next one Jim.  
Q Where was your mother living when she married Morgan?  
A I do not know but if I am not mis aken, it was Skullyville Coun-  
ty. She was living in the Choctaw Nation.  
Q Did she live in Skullyville County all the time she was married  
to Morgan? A Oh, no.  
Q Where did she live? A She lived in Atoka County, McAlester  
was our postoffice but we lived in the country. We first lived  
in Coal County and then we lived near Atoka in Atoka County, fif-  
teen miles north of Atoka, and then we lived a while northeast  
of Atoka.

Henry McGee is identified as number 516 upon the 1885  
Choctaw Census Roll, Atoka County.

(Witness excused.)

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TANDY C. ANDERSON, being recalled, testified as follows:

Examination by Mr. Redwine:

- Q You stated that you went to school with George McGee?  
A Yes sir.  
Q Was that in the Choctaw or Chickasaw Nation? A Choctaw  
Nation.  
Q Was it a Choctaw school? A Well, no, it was a district  
school.  
Q Do you know how Indians were enrolled that lived in the Choctaw  
Nation that were part Choctaw and part Chickasaw?  
A Well, some was enrolled as Choctaw and some as Chickasaw.  
Q If a Chickasaw lived in the Choctaw Nation, might he not be en-  
rolled as a Choctaw? A Why, we never had any enrolling be-  
fore until the Dawes Commission came out here. They have been  
enrolled since in '96 in the Chickasaw Nation. We had several  
there that was Chickasaws in the Choctaw Nation, but we enrolled  
them as Chickasaws.

(Witness excused.)

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By Mr. Redwine:

Applicant offers a letter in evidence written by him to the Commission on November 30, 1900.

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Lenora B. Ashton, being first duly sworn, upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had the 28th day of April in the above entitled cause, and that the foregoing transcript is a full and complete translation of her stenographic notes taken at said time.

*Lenora B. Ashton*

Subscribed and sworn to before me this 30th day of April, 1906.

*Walter H. Chappell*

Notary Public.

Memo.--

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, May 4, 1906.

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In the matter of the alleged application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

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Appearances: W. N. Redwine, of South McAlester, Indian Territory, appears as attorney for the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

There is filed for record herein, notice served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, that on May 4, 1906, the applicant would appear before the Commissioner to the Five Civilized Tribes and present testimony relative to his right to enrollment as a citizen by blood of the Chickasaw Nation. Said notice bears the date of May 4, 1906.

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ANNA DAVIS, being first duly sworn, testified as follows:

Examination by the Commissioner:

Q What is your name? A Anna Davis.  
Q How old are you? A Fifty-five.  
Q Post office? A Savannah.  
Q Are you acquainted with Henry McGee? A Yes sir.  
Q How long have you known him? A Ever since he was a baby about a year old.  
Q Where were you living at that time? A Skullyville County.  
Q Near what post office? A Skullyville.  
Q Who is his mother? A Paralee.  
Q Paralee what? A Why, Paralee Jones.  
Q Well, what was her name at the time you first got acquainted with her? A Paralee McGee, I guess.  
Q What was the name of Henry McGee's mother at the time you first became acquainted with her? A Paralee Jones the first time I got acquainted with her.  
Q Was her husband, Jones, living at that time? A No sir, he was dead.  
Q Who was her husband at that time? A Alex Jones.  
Q Was he living when you became acquainted with Paralee Jones?  
A Yes sir.

- Q How long did she live with Jones? A She lived with Jones between five and six years.
- Q Until his death? A Yes sir.
- Q Then who did she marry? A Well, she lived with this boy's father.
- Q What was his name? A George McGee.
- Q Was she ever married to George McGee? A Well, I don't know I left there just after my brother died, and I don't know whether she married him or not.
- Q Who is your brother? A Alex Jones.
- Q Your brother died when he was the husband of this Paralee Jones? A Yes sir.
- Q You don't know whether she was ever married to George McGee or not? A No sir, I don't. I left there after my brother died.
- Q Well, what time do you fix as the date of your brother's death? A Why, I couldn't tell.
- Q Couldn't you give some approximate date? A No sir, I couldn't.
- Q Has it been 25 years ago or 30 or 40? A It has been longer than that. He married just about '65.
- Q How long did your brother live with Paralee Jones after they were married? A About five or six years, as near as I can remember.
- Q He then died? A Yes sir.
- Q How long after the death of your brother did you remove from that locality? A Well, I don't know just exactly how long; two or three years.
- Q Where did you move to then? A Came up to Perryville.
- Q Was it at Skullyville that your brother was living with Paralee Jones? A No sir, they wasn't living at Skullyville. I don't know where they was living; some place way up in the nation, and as soon as he died, she moved back.
- Q Back to where? A Skullyville.
- Q Were you acquainted with George McGee? A Yes sir, I was raised with him.
- Q At what place? A Skullyville.
- Q How old a man was he at the time of the marriage of your brother to Paralee Jones; that would be in '65? A I couldn't tell you. He was older then I was; about ten or eleven years older than I was.
- Q Did George McGee and Paralee live together during the time you lived around Skullyville? A No sir, they wasn't living together when I was there.
- Q Did you ever hear that they were married? A No sir, I never knew anything about their marriage; never asked any questions about them.
- Q Did you ever know of them living together? A No sir, I wasn't there at the time they was living together, but she said and everybody else said so.
- Q But you have no personal knowledge about it at all? A No sir, all I know is knowing his mother and father and know his father had part Choctaw and Chickasaw blood.
- Q Who were George McGee's parents? A I don't know. He was an orphan, I think. I don't know his father or mother, either.
- Q Don't know either one of them? A No sir, but I have known him ever since I remember.
- Q What was his blood? A Choctaw and Chickasaw.
- Q How do you know that if you don't know his parents? A Well, that is what everybody said. He was nearly a full blood, I know that.
- Q When did George McGee die? A He died after we left there and went to McAlester. I don't know when he died.



By Mr. Redwine:

- Q You state that Alex Jones was your half-brother, and he was married in 1865 to applicant's mother? A Yes sir.
- Q Was he Choctaw or Chickasaw? A He was Choctaw.
- Q You say they lived together five or six years? A Yes sir, as far as I can remember.
- Q And did George McGee and the applicant's mother, Paralee, live together as you know, or was it understood that they lived together? A Yes sir.
- Q As man and wife? A Yes sir, that is what the people said.
- Q You say you moved away about the time your brother died? A Yes sir.
- Q As to the marriage, you say you don't know anything about that? A No sir.
- Q But you do know they were recognized as man and wife? A No sir, I don't know.
- Q Did you know George McGee? A Yes sir, I know George McGee.
- Q Was he recognized as a citizen of the Choctaw or Chickasaw Nation? A Yes sir.
- Q By blood? A Yes sir.
- Q Well, how was he recognized? As both Choctaw and Chickasaw? A Yes sir.

(Witness excused.)

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JAMES S. DAVIS, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A James S. Davis.
- Q How old are you? A Fifty-six years old.
- Q Post office? A Savannah.
- Q Are you the husband of Mrs. Davis who just testified? A Yes sir.
- Q Are you acquainted with the applicant, Henry McGee? A Yes sir.
- Q How long have you known him? A Ever since he was a little baby.
- Q Who was his mother? A Paralee Jones.
- Q She went by that name when you got acquainted with her? A First, Yes sir.
- Q Was her husband at that time living? A No sir, he wasn't living when I first got acquainted with her.
- Q Who was her husband prior to that, Alex Jones? A That is the name he went by. I never seen him.
- Q Do you know when Alex Jones died? A No sir, I don't. I know about the time they said he died.
- Q Who is the father of Henry McGee? A I don't know.
- Q Well, do you know whether or not Paralee Jones was ever married to a man named George McGee? A I don't know.
- Q Do you know whether or not this Paralee Jones ever lived with a man by the name of George McGee? A Yes sir, she lived with him.
- Q Did you live in the same community? A Yes sir.
- Q Were they living together as husband and wife? A Yes sir.
- Q Where was this place? A Close to Skullyville, about two or three miles from Skullyville. Spire it is now.

- Q When did Paralee Jones first commence living with George McGee?  
A I don't know. The first I knew of them living together was about the time this child was born.
- Q But you didn't know they were livign together until about the time this child was born? A No sir, he was a good big boy.
- Q He was about a year old before you knew they were living together?  
A Yes sir.
- Q Do you remember what year that was? A About '75 or '76, somewhere along there. I was married in '70.
- Q Well, how long before your marriage was this, or was it after?  
A It was after we was married, I guess about five years.
- Q How long had Parelee Jones been living at Skulllyville when you first was the applicant here, when he was a year old? A Well, I suppose she had been living there for several years, or at least that was the report.
- Q You just came to that country about that time when he was a year old? A I had been at Skulllyville before, but didn't get acquainted with these people until after I married into the family.
- Q You have nothing then to base any judgment upon as to whether George McGee was the father of Henry McGee, have you? A Nothing more than what she said and what he said.
- Q Did you ever talk with George McGee about this matter? A Yes sir.
- Q When did this conversation take place? A I don't remember just when.
- Q Where? A Well, I think it was at a man named Russell's, near Skulllyville. He came there and said he had a boy.
- Q Who made that statement? A McGee. George McGee.
- Q But you state that you didn't know this applicant until he was about a year old? A Well, I never met him until he was a year old, but that is what he told me.
- Q Did he mention that boy's name? A No, I don't think he did.
- Q Did he give you any information which would lead you to believe this applicant was that boy? A Yes sir.
- Q In what way? A Why, he said he had a boy.
- Q Well, couldn't he have had any number of them without telling you which one he meant? A Why, yes, but afterwards I seen this boy. Of course, I wasn't there, and didn't know anything about it.
- Q I believe I asked you if you knew whether Paralee Jones was ever married to George McGee? A No sir, I wasn't there.
- Q Weren't living in that community at that time? A Well, I moved back down there about the time he was born; probably a year after. I don't know just the date.
- Q You weren't living in the community a year or so before he was born? A No, not a year or so before he was born, but I was there when George was a boy.
- Q You state when George was nothing but a boy. He couldn't have been much larger in a year, could he? A I am speaking of Henry. George was a young man when I went there.
- Q How old was he? A He was a young man apparently 15 or 20; somewhere along there.
- Q Where you ever at the house of Paralee Jones? A Yes sir.
- Q Well, was George McGee living with her? A Not that I remember, but I have seen him at her place frequently.
- Q Do you know of your own knowledge whether or not George McGee and Paralee Jones lived at the same house during any period of time?  
A No, I don't know that I did.

- Q What blood did George McGee have? A Well, of course I don't know that I can judge from seeing him. He was known as part Chickasaw and part Choctaw; looked to be nearly a full blood; was a half breed any way.
- Q Looking at the applicant, there, how much Choctaw or Chickasaw blood do you suppose he would have? A You can't tell anything about that.
- Q Well, you are not answering my question? A Well, I am no judge of that only from the color of the hair and eyes, etc., and he looks like an Irishman or a Dutchman or something.
- Q After Alex Jones died, with whom did Paralee Jones at different periods reside? A Well, I only know from what I hear, but I heard it was George McGee.
- Q Any one else? A No sir.
- Q Did you ever know of here marrying anyone else after Jones died? A Why, yes sir, she married a man after that.
- Q What was his name? A His name was--well, the first one I cant tell his name now; he was killed; her father killed him; I forget his name. The next one she married was Morgan. I don't know about the man she married after that.
- Q Do you know when George McGee died? A No sir, I don't.
- Q Have you any idea? A Well, I think he died--it wasn't long after this boy was born. That is my idea.
- Q Weren't you living in that community at that time? A Yes sir, I think so.
- Q You don't know whether you were living there or not? A Well, it has been a long time to remember back, but I think I was living there at that time. My opinion is that we was living there when he died.
- Q Was he living with anyone at that time? A Well, my understanding was that he was living with this woamn. Of course I wasn't there.
- Q How far from where Paralee Jones was living was your place? A Oh, I suppose four or maybe five miles; you know they moved frequently; they lived up on the prarie and then moved farther out; it would be around from four to six miles.

By Mr. Redwine:

- Q You are an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q Did you ever hold any government position? A Yes sir.
- Q What position did you hold? A Deputy Marshall.
- Q How many years were you deputy marshall? A About 15 years.
- Q You say that you knew George McGee during his life time? A Yes sir.
- Q And he was considered part Choctaw and part Chickasaw? A Yes sir.
- Q I believe you stated that you were not living in the community where George McGee and the applicant's mother lived at the time the applicant was born? A No sir, I don't think I was.
- Q You don't know how long the applicant's mother and George McGee had been living together when the child was born, do you? A No sir, I don't know only from what I heard.
- Q Was it the understanding that they had been living together two or three years? A Yes sir, that was the understanding.
- Q As to whether they were married or not, you don't know? A No sir.

Q But you do know by the talk and what was said that they lived together two or three years before the child was born, and were recognized as man and wife? A Yes sir.

By the Commissioner:

Q You say they were recognized as man and wife? A Well that is the only record we had in that time. When we saw a man and woman living together, we didn't know whether they was married or not.  
Q You say they did live together? A I am not speaking about what I know myself, but what others say.

By Mr. Redwine:

Q Did you ever see them together? A I don't know as I did.  
Q You say you lived five or six miles from them? A Yes sir.  
Q And after you went into that community, how many years did you live there? A I think two or three. I don't remember.  
Q Then did you move away from there? A Yes sir.  
Q Where did you move to? A Back to South McAlester.  
Q Then where did you move to? A Savannah.

(Witness excused.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, upon oath states that she reported the proceedings had in the above entitled cause on the 4th day of May, 1906, and the foregoing transcript is a true and complete translation of her stenographic notes of same.

*Lenora B. Ashton.*

Subscribed and sworn to before me this 5th day of May, 1906.

*Chas E. Hebskin*  
Notary Public.

Memo.- 215

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, May 14, 1906.

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In the matter of the alleged application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

Appearances: W. N. Redwine, attorney at law, of South McAlester, Indian Territory, appears on behalf of the applicant.

There is filed herewith notice to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, that on May 14, 1906, at three o'clock P.M., the applicant, Henry McGee, would appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and present testimony relative to his right to enrollment. Said certificate was accepted by the attorneys for the Choctaw and Chickasaw Nations on May 14, 1906.

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LEWIS GUY, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Lewis Guy.  
Q How old are you? A Forty-four years old.  
Q What is your post office? A Non, I. T.  
Q Are you acquainted with Henry McGee? A Yes sir.  
Q How long have you known him? A Well, sir, I have knowed him, I guess, all his life.  
Q Where did you first make his acquaintance? A Down herein Skullyville County, in the Choctaw Nation.  
Q What place in Skullyville County? A Skullyville.  
Q How old was he when you first saw him? A Well, I was about ten or twelve years.  
Q You were? A Yes sir, somewhere along there.  
Q How old was he at that time? A Why, he was a little bit of a tad.  
Q About how old? A Wasn't more than about three months old.  
Q Who was his mother? A Paralee Jones.  
Q How long had you known her before you saw the applicant here?  
A Why, I known her all my life; she was my mother.  
Q Who was the father of Henry McGee? A Choctaw fellow called George McGee; Choctaw and Chickasaw, I suppose, as far as I can remember; that is what I heard them say.

- Q What relation were you to Paralee Jones, or Henry McGee's mother?  
A Why, I am her son.
- Q A half brother of the applicant? A Yes sir.
- Q Who was Paralee Jones first married to? A Guy; fellow named Lewis Guy.
- Q Was he her first husband? A Yes sir, that is what she said.
- Q He was a white man? A Yes sir, he was a white man.
- Q How long did she live with Guy? A Well, I don't remember hearing her say, but then he went off to the war; I never did get to see him.
- Q You never did see him? A No sir.
- Q What became of him? A Why, he went to the war and I suppose got killed.
- Q Who did your mother next marry? A Jones; a Choctaw fellow by the name of Alex Jones.
- Q Were you living with her when she married Jones? A No sir, I was living with my grandfather.
- Q Who was he? A Fellow names Gardenhier, white man, at Fort Smith.
- Q What became of Jones? A Why, he died.
- Q Who did she marry after she married Jones? A Fellow name of Dickson.
- Q How long did she live with Dickson? A Well, I don't remember; I never tried to keep any trace of that; about a year, I guess.
- Q What became of Dickson? A He died.
- Q Then who did she marry? A Fellow name of Morgan then, a white fellow.
- Q How long did she live with Morgan? A She lived with him about six years.
- Q What became of Morgan? A Why, they separated then. I don't know what became of him.
- Q Did she ever get a divorce from Morgan? A I think so, yes sir.
- Q Who got it, she or he? A She did, I think.
- Q Where did she get that divorce? A I don't remember that.
- Q Where was she living when she lived with Morgan? A She lived in the Choctaw Nation.
- Q Near what place? A Up here by Calvin.
- Q About what year was it she commenced living with him? A Well, I don't remember that.
- Q About how old were you? A I guess I was about fourteen years old, but then I didn't pay any attention.
- Q About thirty years ago since she married Morgan? A Yes sir.
- Q That would be 1866? A Yes sir.
- Q And she lived with him six years? A Yes sir.
- Q That would be 1872? A Yes sir.
- Q Do you know where Morgan went after he left your mother?  
A No sir.
- Q Did you ever hear from him after that? A No sir.
- Q Did she get a divorce from him? A I don't know whether she did or not; I would not be certain.
- Q Well, after Morgan left your mother, who did she live with?  
A Why, she died then.
- Q Did she ever live with a man by the name of Alex McGee?  
A No sir.
- Q George McGee? A Yes sir.
- Q Who was your mother's first husband? A Lewis Guy.
- Q That is the first man she married? A That is what she told me.



- Q And Guy was a white man? A Yes sir.
- Q How long did she live with Guy? A She lived with Guy about two years, I think it was; one or two.
- Q What became of Guy? A Why, he went to the war he said, and never did come back; suppose him to be dead.
- Q She never did hear whether he died or not? A No sir, never did hear.
- Q Who was the next man she married? A Jones, Alex Jones.
- Q He was a Choctaw? A Yes sir, he was a Choctaw.
- Q How long did she live with Jones? A Well, something near three or four---about five years.
- Q What became of Jones? A He died.
- Q Then who did she marry after that? A Fellow name of Dickson.
- Q How long did she live with Dickson? A About a year and a half; about eighteen months.
- Q What became of Dickson? A He died.
- Q Then who did she marry? A George McGee.
- Q What year was this? A They was married--well, as far as I remember--along about '71 or '72.
- Q Where were you living at that time? A Down there in Skullyville County in the Choctaw Nation.
- Q With whom? A With my mother.
- Q How old were you at that time? A I was between ten and eleven years old.
- Q Where were your mother and George McGee married? A Down there in Skullyville County.
- Q At what place? A In Skullyville.
- Q At whose house? A Well, that I couldn't tell you. I didn't see it, but she said she was married and taught me he was a step father over me.
- Q Were you present when they were married? A No sir.
- Q Where were you at that time? A I was at home.
- Q Did George McGee live with your mother as husband and wife? A Yes sir.
- Q Lived at the same house? A Yes sir.
- Q For how long a time? A About two years; somewhere along about two years.
- Q Constantly? A Yes sir.
- Q At whose place were they living? A Fellow name of Simpson McCann's place; another Choctaw fellow.
- Q Is he living at this time? A No, I suppose he is dead; I heard he killed himself.
- Q Have you any way for fixing the time when George McGee began living with your mother? A No sir.
- Q How do you state that it was about '71 or '72 when he commenced living with your mother? A Well, because it has been about that length of time.
- Q Might it not have been '75 or before '71 or '72? A Well, it was somewheres along about '71 or '72; she said they was married and taught me he was a step-father; they lived together about two years, as far as I remember; I never paid any attention to how long it was.
- Q Did he hold your mother out as his wife? A Yes sir.
- Q Was she recognized in the neighborhood as such? A Yes sir.
- Q Do you know when Henry McGee was born? A Why, he was born along about that time; of course I don't know what day or month or anything like that.



- Q What year was he born in? A Along about '73.
- Q How long had your mother been living with George McGee when he was born? A Well, about twelve or eighteen months, when he was born.
- Q Were you present when he was born? A No sir.
- Q Where were you? A I was at a neighbor's house.
- Q Were you living with your mother at that time? A Yes sir.
- Q You stated here that you first was Henry McGee when he was about three months old. How was that? Is that so? A I just made a mistake. No, I made a mistake there. I will take that back.
- Q Did you see him the same day he was born or the next day?
- A The next day after he was born; I just made a mistake there.
- Q How long did George McGee live with your mother after Henry was born? A About seven or eight months.
- Q What became of him? A Why, they separated and he went off; I don't know what went with him; I heard the neighbors say he died; I don't know.
- Q Did she have any other children at that time born during that time, '71 or '72, along there? A No sir, only just him.
- Q Did George McGee recognize Henry as his son? A Yes sir.
- Q In what way? Did he help support him? A Certainly, helped support him as long as he lived there.
- Q Did he also help support you during that time? A Yes sir.
- Q What is it that fixes in your mind that George McGee lived with your mother about eighteen months before Henry was born?
- A Why, my mother told me he did. I have seen them living together as man and wife and recognized as man and wife in the neighborhood there.
- Q Did George McGee hold Henry out as his son? A Yes sir.
- Q Told the neighbors that he was his boy? A Yes sir.
- Q Who were some of your neighbors at that time? A Jake Russell.
- Q Is he living? A No sir, I think he is dead.
- Q Who else? A Bob Foil.
- Q Is he living? A No sir, he is dead; he was a tolerably old man at that time.
- Q Is there any one living down in that community that was there then? A Well, I couldn't tell you whether they are or not.
- Q Do you live in Skullyville County now? A No sir.
- Q How far from there do you live? A I live about twelve or eighteen miles--it is about eighteen miles--from Calvin, down at Non; Non is my post office.
- Q Isn't there any one living there at the present time who was living in '71 or '72, or somewhere along there? A I couldn't tell you.
- Q How old were you when you lived there? A I was about thirteen years old as far as I remember.
- Q Haven't been back there since? A No sir.
- Q Although you have lived in eighteen miles of there? A Well, I have lived in five miles of Skullyville at that time.
- Q Are any merchants doing business there in '71 or '72 living there now? A I couldn't tell you that at all whether they are living or dead.
- Q At what point did your mother do her trading? A Skullyville. Skullyville was the nearest trading point.
- Q What year did George McGee die in? A I couldn't tell you about when he died.
- Q Don't know that he is dead? A On y heard about his being dead.

- Q Did you ever hear of him after he left your mother? A No sir, only when I did hear I heard he was dead.
- Q What year were you born? A Well, I don't know but just what my mother said; she told me somewhere along about 1861 or '62; somewhere along there.
- Q What kind of Indian blood did George McGee possess? A Why, he claimed to be Chickasaw and Choctaw both, but I don't know what he was most. He held a right; he was a citizen.
- Q Did he have an improvement of his own while he was living with your mother? A Yes sir.
- Q Didn't you state that he was living on some one else's place at that time? A That is right; I will take that back; he hadn't improved on any land; he was going to, but they separated.
- Q How old a man was George McGee when he commenced living with your mother? A Well, as far as I remember, he was about thirty or thirty-five.
- Q How do you know that you were about ten or eleven years old when he commenced living with your mother? A Why, that is what my mother said it was. I never did go to any school; of course, I didn't learn the date.
- Q Well, do you know of your own knowledge when he commenced living with her? A About what time it was?
- Q Yes? A Why, no I couldn't swear about what time it was.
- Q Well, how do you know that George McGee had lived with your mother about eighteen months when Henry was born? A Why, I don't remember that any better than I remember the balance of it.
- Q Well, do you know then definitely how many months he lived with your mother when Henry was born? A Just what she said.
- Q Do you recollect George McGee? A Yes sir, just can recollect him and that is all.
- Q You don't know what kind of looking man he was? A Just a red skinned man.
- Q An Indian? A Yes sir.
- Q You don't know how tall he was? A About my height.
- Q What is your height? A About four and a half.
- Q Did he wear a mustache? A Yes sir, a black mustache.
- Q Did he wear a beard? A No sir, didn't wear any beard.
- Q Did he live in that neighborhood where your mother was living before he married her or lived with her? A Yes sir, he was living there.
- Q How long did he live there before? A I don't know.
- Q Had you seen him? Had he been to your house? A Yes sir, one or two times.
- Q Where did you see him? A When I first seen him to remember, I was in Skullyville. I heard them talking about George McGee, and I saw him then, and once or twice after that, and then him and my mother married.

By Mr. Redwine.

- Q Did you ever testify in any case before? A No sir.
- Q This is the first time you ever testified in any court? A Yes sir.
- Q Are you educated? A No sir.
- Q Ever go to school any? A No sir, never did.
- Q Can you write your name? A No sir.
- Q Raised in the Choctaw Nation? A Yes sir.

- Q Where did your mother marry your father? A Well, I don't know just when she said; she said she married down near Fort Smith.
- Q You say that was about 1860 or '61? A Somewhere along there from what she said.
- Q Did she move from there anywhere? If so, where to? A She said she went from there up near Leavenworth, Kansas.
- Q Where was it your father left your mother to go to the war? A Why, he left her there in Kansas she said.
- Q Was that while you were young, an infant child? A Yes sir.
- Q You state that he had never been heard of since? A No sir, never heard of.
- Q He died in the army? A Yes sir, I suppose he died.
- Q Did your mother then come back to Fort Smith? A No sir, she worked down there a while and then came to the Choctaw Nation.
- Q Near Skullyville? A Yes sir.
- Q You say you lived with your grandfather in Fort Smith? A A little while in Fort Smith.
- Q You say that after your mother moved over near Skullyville, she married a Choctaw by the name of Jones? A Yes sir.
- Q That was after the war was it? A Yes sir.
- Q Well, about what year was that? A I don't remember that exactly; couldn't tell you.
- Q Well, you might say about the year 1865 or '66? A Somewhere along there.
- Q How many children were born as the issue of that marriage? A Two.
- Q What are their names? A Charley Jones and Alex Jones.
- Q They are your half brothers are they? A Yes sir.
- Q Are they living? A Yes sir.
- Q How long did Alex Jones live with your mother before he died? A They lived together about four or five or six years, somewhere along there. Of course, I was a little bit of a fellow and couldn't remember anything only just what she told me.
- Q After Jones died, did your mother then marry George McGee? A No, married fellow name of Dickson.
- Q How long did she live with him? A Mighty short time.
- Q Then did she marry next George McGee? A Yes sir, George McGee was her next husband.
- Q About what year did she marry George McGee? A Along about '71 or '72.
- Q Were you living with your mother at the time George McGee married her? A Yes sir.
- Q Do you remember of your own knowledge about it? A Yes, I remember when they lived together.
- Q You were large enough to recollect were you? A Yes sir.
- Q Do you think from your best recollection it is '71 or '72? A Yes sir.
- Q About how many years did they live together? A One or two years; I know it was a good long time.
- Q While they were living together was the applicant, Henry McGee, born? A Yes sir.
- Q Did your mother tell you she was married to George McGee? A That is what she told me.
- Q Was George McGee and your mother recognized as husband and wife? A Yes sir.
- Q Did they visit their neighbors together? A Yes sir, they did.
- Q People visit their house? A Yes sir.

Q You stated, I believe, that George McGee called you his stepson?  
A Yes sir.

By the Commissioner:

Q Did George McGee speak English? A Yes sir, he spoke English.  
Q Very good? A Yes, tolerably good.

By Mr. Redwine?

Q Did he speak Choctaw? A I never did hear him talk in Choctaw.  
Q Did your mother talk in Choctaw? A No sir.  
Q He always talked to your mother in English? A Yes sir.  
Q After the applicant was born, how long did George McGee live with your mother, if you remember? A About five or six months; something along there after he was born.  
Q You state after that you heard he was dead? A Yes sir.  
Q Did your mother move from that part of the country soon after that? A Yes sir.  
Q Where did she move to? A She moved up here in Atoka County.  
Q How far from Atoka? A About twenty miles.  
Q Did she die there? A Yes sir.  
Q Did she marry Morgan before she moved to Atoka County or after?  
A Before.  
Q Morgan living or dead? A Why, I don't know; I couldn't tell you; never heard from him.  
Q How long did you live with your mother? Until you were of age?  
A I lived with her until I was twenty-one.  
Q And you moved to yourself? A Yes sir.

By the Commissioner:

Q What year did you move from Skullyville to Atoka County?  
A Well, I don't remember now what year.  
Q What year did she marry Morgan? A In about '78 or '79.  
Q Now, what year did they move from Skullyville County to Atoka County? A About the year 1890.  
Q Had they lived together ten or eleven years before they moved up there to Atoka County? A No sir, they hadn't.  
Q That is what you stated isn't it? (No answer).  
Q If you are unable to fix the date your mother married Morgan and when she moved to Atoka County when you were much older than when your mother was living with McGee, how are you able to fix the dates in the latter case? A From what she said and what she told me.  
Q Did she tell you when she commenced living with Morgan?  
A No, never knew anything about it.  
Q How is it that she only touched upon this one subject about when she commenced living with Morgan? Is that the only man of whom she spoke? A Yes, she spoke about the others.  
Q How is it you don't recollect about them? Isn't there anything if your mother said she was living with McGee in '71 or '72 that calls it to your mind? A Only what she told me; that is all I remember.  
Q You don't remember when you moved from Skullyville to Atoka County?  
A No sir.  
Q Don't remember that at all? A No sir.  
Q And you were probably twenty years older? A Yes sir.

- Q You were quite a bit older when your mother was living with Morgan than when she was living with McGee? A Well, she did not tell me; I couldn't remember that; I can't recollect; I can't write my name.
- Q You know what year this is don't you? A No, only from looking at the almanac and seeing the number 1906, I think they call it.
- Q You know what month it is don't you? A Yes, I know what month.
- Q Do you know what year the Choctaw-Chickasaw treaty was voted on? A No sir.
- Q Were you living in the Choctaw Nation four years ago? A Yes sir.
- Q Do you know who the Governor of the Choctaw Nation is? A No sir, I don't.
- Q What year did your mother die? A I don't remember that now; she has been dead about sixteen years.

By Mr. Redwine:

- Q You have no Indian blood yourself? A No sir.
- Q You were not permitted to go to the Choctaw schools? A No sir.
- Q Raised in the Choctaw Nation? A Yes sir.
- Q Ever go to school any at all? A About three days.
- Q Uneducated? A Uneducated; got no education at all only just what little I pick up from the almanac.

By the Commissioner:

- Q Do you read? A No sir, I don't read at all; just know the figures and something like that.

By Mr. Redwine:

- Q You were living with your mother at the time she moved from Skullyville to Atoka County? A Yes sir.
- Q What year did you say that was in? A I don't know.
- Q Was she married to Morgan when she moved to Atoka County? A Yes sir.

By Mr. Redwine:

We rest.

(Witness excused.)

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Lenora B. Ashton, being first duly sworn, on oath states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the testimony in the above entitled cause on the 14th day of May, 1906, and that the above is a true and complete transcript of her stenographic notes.

*Lenora B. Ashton*

Subscribed and sworn to before me this 15th day of May, 1906.

*Walter H. Chappell*  
Notary Public.

COPY.

Celestine, I. T., Nov. 30, 1900.

Hon Dawes Commission

Durant Ind. Ter.

Dear Sir

as neglect is the most cause for my not looking after the affairs of my interest any sooner than now. although I don't know any thing myself other than that which I have been told by my mother and others who knew my father nevertheless my father died when I was about 2 years old and my mother has been dead some nine or Ten years but I was Told by my mother and various other parties who was acquainted with my father, George McGee, That he was a chickasaw Indian by blood Therefor I feel that I am entitled to a childs part anyway but not knowing that it might be too late and deeming it proper to write to you for your advice on the same now I would be pleased to know whether or not if I furnish you with the marriage record of my parents and one good witness either choctaw or chickasaw by blood that you would be able to record my citizenship my mother was always recognized as a citizen and owned a small farm at the time of her death fifteen miles north of Coalgate on muddy Boggy creek I have been a resident of the choctaw nation all my life you would indeed confer a very great favor upon me by giving me your best Opinion and Oblige yours very Respectfully

Commission to Five Tribes.  
Received Dec. 1, 1900.  
No. 10379.

Henry McGee

Celestine

Ind. Ter.



Memo. 215.

O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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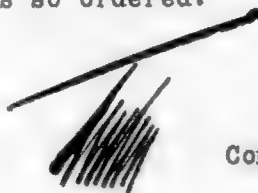
In the matter of the alleged application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

-----ooOoo-----

It appears from the record herein that on April 28, 1906, Henry McGee appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for his enrollment as a citizen by blood of the Chickasaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any formal application was made for the enrollment of said applicant prior to December 1, 1905. It appears, however, that on December 1, 1900, there was received by the Commission to the Five Civilized Tribes a letter bearing date of November 30, 1900, from the applicant, Henry McGee, wherein he made inquiry relative to his right to enrollment as a citizen by blood of the Chickasaw Nation.

I am of the opinion that the letter above referred to constitutes a sufficient application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation made within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

Jan 31 - 1907.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of  
Henry McGee as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein that application was  
duly made for the enrollment of Henry McGee as a citizen by blood  
of the Chickasaw Nation within the time limited by the provisions  
of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that the appli-  
cant was born in about the year 1873, and is the son of George  
McGee (now deceased), a Choctaw and Chickasaw by blood, and Paralee  
Jones (now deceased), a white woman; and that said applicant has  
resided continuously in the Choctaw-Chickasaw country from the  
date of his birth up to and including September 25, 1902, with the  
exception of a temporary absence during the latter part of 1898  
and the early part of 1899, while employed in the Territory of  
Oklahoma and the State of Texas.

Upon an examination of the tribal rolls of the Choctaw  
Nation in the possession of this office, the applicant is identified  
upon the 1885 Choctaw Census Roll, opposite No. 516, as a resident  
of Atoka County, he being enrolled thereon as a citizen by blood  
of the Choctaw Nation. The applicant is not identified upon any  
of the Chickasaw tribal rolls in the possession of this office.

I am, therefore, of the opinion that Henry McGee should  
be enrolled as a citizen by blood of the Choctaw Nation, under the  
provisions of the Acts of Congress approved June 28, 1898 (30  
Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so  
ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 2 1907

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COPY

Muskogee, Indian Territory, February 2, 1907.

Henry McGee,

Calvin, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 2, 1907, granting the application for your enrollment as a citizen by blood of the Chickasaw Nation.

You are hereby advised that the name of Henry McGee will be placed upon the next schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

Registered.  
Memo. 215.

Memo. 215

COPY

Muskogee, Indian Territory, February 2, 1907.

W. N. Redwine,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 2, 1907, rendered his decision, granting the application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

You are hereby advised that the name of Henry McGee will be placed upon the next schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, SIGNED *James Bixby*  
Commissioner.

Registered.  
Memo. 215.

Memo. 215.

COPY

Muskogee, Indian Territory, February 2, 1907.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 2, 1907, rendered his decision granting the application for the enrollment of Henry McGee as a citizen by blood of the Chickasaw Nation.

You are hereby advised that the name of Henry McGee will be placed upon the next schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner.

Memo. 215.  
Registered.

Muskogee, Indian Territory, May 14, 1906.

Received of the Commissioner to the Five Civilized Tribes  
a copy of the testimony taken at Muskogee, Indian Territory, on May  
4, 1906, in the matter of the alleged application for the enroll-  
ment of Henry McGee.

*M. H. Redwing  
Atty Gen  
Applicant*

7-6073

Muskogee, Indian Territory, April 8, 1907.

W. N. Redwine,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters one without date and the other of April 1, 1907, asking if the enrollment of Henry McGee has been approved by the Department and when he may file.

In reply to your letter you are advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of Henry McGee as a citizen by blood of the Choctaw Nation and selection of allotment may now be made in his behalf in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

Muskogee, I.T.

In the Matter of Henry McGee,  
applicant for enrollment as a citizen  
of the Choctaw or Chickasaw Nations  
by blood.

To Mansfield, McMurry & Cornish Attorneys for the  
Choctaw and Chickasaw Nation, you are hereby notified, that on the 14  
day of May, 1906, at 3-O'clock P.M. at the Office of the Commission  
to the Five Civilized Tribes, At Muskogee, I will take testimony in  
the aforesaid action, wherein Henry McGee, is an applicant for citizen  
ship in the Choctaw or Chickasaw Nations by blood, and if said testimony  
is not completed on that day will be continued from day to day at  
the same place untill completed.

Henry McKill  
By W. H. Redwine  
Atty for Applicant.

We hereby accept service .  
This the 14th day of May, 1906.

Mansfield , McMurry & Cornish,

Attys for the Choctaw & Chickasaw Nation,

By Mansfield, McMurry Cornish



Rec'd, the Commissioner  
to the Area civilized Tribes copy  
of testimony taken April 28, 1906.  
in the matter of the alleged  
application for the enrollment  
of Henry Meeker as citizen of  
the Choctaw Nation.

May 4/1906.

M. N. R. Dwyer  
att'y for applicant

W. N. REDWINE  
ATTORNEY AT LAW  
SOUTH MALESTER, IND. TER.

OFFICE PHONE 619  
RESIDENCE PHONE 636

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskogee, I.T.

In the matter of the application of Henry McGee, applicant for admission to citizenship in the Choctaw or Chickasaw Nation as a citizen by blood.

To Mansfield, McMurry & Gornish Attorneys for the Choctaw and Chickasaw Nation, you and each of you are hereby notified that said Henry McGee, will on the 4th day of May, 1906, at the Office of the Commission at Muskogee, Indian Territory, take evidence in support of his application and to establish that he is intitled to enrollment as a citizen of the Choctaw or Chickasaw Nation by blood.

*Henry McGee*  
By *W. N. Redwine*  
Attorney for applicant.

Indian Territory. )  
Central District. )

W, N. Redwine, who after being duly sworn says, that on the the 2nd day of May, 1906, he served on Mansfield, McMurry & Cornish Attorneys for the Choctaw and Chickasaw Nation, a notice to take testimony on the 4th day of May, 1906, at Muskogee I, T, before the Commission to the Five Civilized Tribes, in the case of Henry McGee, an applicant for enrollment as a citizen of the Choctaw or Chickasaw Nation by blood,

That said notice was served by mailing <sup>to same</sup> to said Mansfield McMurry & Cornish, a copy of the notice hereto attached and marked exhibit "A" and made a part of this affidavit, ~~said~~ said letter and notice was Registered, and received by said Attorneys, as is shown by the receipt which is hereto attached, and marked exhibit. "C"

W. N. Redwine

Subscribed and sworn to before me this the 4 day of May, 1906.

W. J. Hardy  
Notary Public,

com exp 13 July 1909

Choc. 6074

Mary E. Smith

6074

✓

C O P Y.

An Act entitled an Act establishing the right of Mrs. Selina Dunn and Mrs. Belinda Toole & others to Citizenship in the Choctaw Nation.

SEC. 1. Be it enacted by the General Council of the Choctaw Nation assembled, that the right of the following named persons to citizenship in the Choctaw Nation is hereby admitted and established -- viz: Mrs. Silina Dunn and her husband Wm. M. Dunn, and their children Alfred A. Dunn, Wm. M. Dunn, Lillie B. Dunn, Rosa Lee Dunn, Salina May Dunn, and their married daughter, Mrs. Emma Littlepage and her husband P. H. Littlepage; also Mrs. Belinda Toole and her husband Alfred Toole and children, John O. Toole, Viola W. Toole, Joseph Yates Toole, Orilla J. Toole, Inez Toole, and a married daughter Mrs. Mary Smith with her husband G. W. Smith and two children Louanna and Olive Belinda and another married daughter Mrs. Octavia Bolling with her husband G. F. Bolling and two children John F. & Walter.

SEC. 2. Be it further enacted that the above named persons are commended to the Choctaw people as fully possessing all the rights and privileges of citizenship in the Choctaw Nation.

SEC. 3. Be it further enacted, that this act take effect and be in force from and after its passage.

Proposed by	)	Approved Oct. 20th, 1877.
Moses Fletcher	)	
Chairman Com. on	)	COLEMAN COLE,
Finance.	)	P. C. C.N.

I hereby certify that this is a true and correct copy taken from the Secretary's Office.

T. McKINNEY,  
Nation Secretary.

( Seal of Choctaw Nation.)

Indian Territory, :  
: SS  
Southern District. :

I, Chas. M. Fechheimer, a Notary Public duly commissioned in and for the Southern District of the Indian Territory, do hereby certify that the foregoing is a true and correct copy of a certified copy of said Act entitled "An act establishing the right of Mrs. Selina Dunn, and Mrs. Belinda Toole & others to Citizenship in the Choctaw Nation."

In testimony whereof I have hereunto affixed my seal at Chickasha, in said Southern District of the Indian Territory, this 20th day of October, 1898. My Commission expires Nov. 8, 1898.

CHAS. M. FECHHEIMER,  
Notary Public.

(SEAL)

C O P Y.

D 87.

In the matter of the application of Dr. George W. Smith, and Louanna and Elmer Terrell for enrollment as Choctaw citizens.

Dr. George W. Smith being sworn says:

I live at Ft. Smith, Arkansas. I have lived there since 1880. I was married to my wife January 13th 1869. When I moved west I commenced the practice of medicine in Van Buren, Arkansas. The other part of the family moved over into the Nation after the blood was established. My wife's father and mother and others came to the Territory at that time. My wife located with me in Crawford County, Arkansas. My children were born in Arkansas. They have lived there with me ever since except when they were off in school, and in Tobucksy County, Choctaw Nation. Louanna, Olive B., Mary D., and Margaret S., were in Tobucksy County. I sold all my possessions in Fort Smith and my farm, with the intention of moving to the Territory. My family went out in the early part of the summer of 1889, in June I think. When I went out I found no schools there, and we went back to Fort Smith. My family remained in the Territory until September or October.

*Chad 217*

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Wister, I. T., December 15th, 1902.

Choctaw D-87  
Intermarried

-----oOo-----

In the matter of the application of George W. Smith for enrollment as an intermarried citizen of the Choctaw Nation.

George W. Smith being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A George W. Smith.  
Q How old are you? A I will be sixty-three the first day of next March.  
Q What is your post office address? A Fort Smith, at present.  
Q How long have you been a resident of the state of Arkansas?  
A Ever since 1870.  
Q You have never made your home in the Territory during that time?  
A I have never made it in the Territory. We have some property over here we have been using for years.  
Q Your business interests and your home are in the state of Arkansas? A Not all my business interests; part of it.  
Q Your home is over there? A Yes sir.  
Q Your family live there with you? A Yes sir, that is, except one of my family lives in Chickasha.  
Q A married daughter? A Yes sir, and have another one in Little Rock.  
Q Do you claim intermarried rights in the Choctaw Nation?  
A I claim intermarried rights and also by special act of the Choctaw Council.  
Q What is the name of your Choctaw wife through whom you claim?  
A Mary E. Toole.  
Q When were you married to this woman? A I was married on the 17th day of January, 1869.  
Q Where were you married to her? A Choctaw county, Alabama.  
Q At that time both you and your wife were living in Alabama?  
A Yes sir.  
Q Have you lived with her ever since that time? A I have, sir.  
Q Since that time you have been living together in Alabama and Arkansas? A Yes sir.  
Q You have never maintained a residence in the Nation? A Only so far as farms. We have farms over there which we have been - -  
Q You mean by that you have held property in the Territory, but never made your home here? A Never made my home here, no sir.
-



George W. Smith---2

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Albert G. McMillan*

Subscribed and sworn to before me this 21st day of January, 1903.

*Charles H. Sawyer*

Notary Public.

*Max*

C O P Y.

Sans Bois, Ind. Ter.  
Aug. 18th, 1898.

Mr. George W. Smith,  
Fort Smith, Arkansas.

Dear Sir:

If you and your family are on the roll you are perfectly safe, but if not you better look after it. Write to A. Telle at Atoka, Ind. Ter., and if you are on the roll he will let you know. The Citizenship Commission will meet at Atoka on the 30th of this month, and if you find that you and your family is not on the roll you can have them put on. No dispute as to your right. Excuse pencil writing. From your friend,

GREEN McCURTAIN.

When Dr. G. W. Smith, this day presented himself to pay taxes on his personal property, there was on the Tax Books, listed with his personal property one Pole Tax. Which he, claiming citizenship in the Chontaw Nation refused to pay.

We refused to accept any personal taxes unless it included pay out of the Poll Tax, as we are advised that we have no authority to accept taxes as part of the list. Mr. Smith paid all under protest in order to to save his personal property from penalty and sale. But refused to receive Poll Tax Receipts. Therefore we delivered it to him as money. A. B. Bryant.

[illegible]

...the ...

THE UNIVERSITY OF CHICAGO

1993年12月 第12卷第12期

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RECEIPT FOR POLL TAX OF 1900.

If paid on or before Saturday next preceding the first Monday in July, 1901, will entitle the taxpayer if otherwise qualified to vote at any election held in this State prior to the first Monday in July, 1902.

No. 37                      Office of Collector of Sebastian County, Ark.

Received, this 21 day of Feb 1901, of Dr. G. W. Smith  
One Dollar, in payment of Poll Tax charged against him in this  
County for the year 1900.

The Auditor of State only is  
authorized to have printed and  
furnish Poll Tax Receipts to be  
used by Collectors.-Sec. 5, Act  
March 18, 1895.  
Paid under protest claiming  
citizenship in Choctaw Nat.

Geo. T. Harrell  
Collector of Sebastian County  
By Lee Warner D. C.

Clay Sloan  
Auditor

(Endorsed on back as follows)

Department of the Interior, Commission to the Five  
Civilized Tribes, Filed    Jan 5 1903

Tams Bixby

Acting Chairman.

RECEIPT FOR POLL TAX OF 1901.

If paid on or before Saturday next preceding the first Monday in July, 1902, will entitle the tax payer if otherwise qualified to vote at any election held in this State prior to the first Monday in July, 1903.

No. 235.

Office of Collector Sebastian County, Ark.

Received this 15 day of Mch 1902, of Dr. G. W. Smith One Dollar in payment of Poll Tax charged against him in this County for the year 1901.

Geo T. Harrell

Collector of Sebastian County

By Lee Warner D. C.

The Auditor of State only is authorized to have printed and furnish Poll Tax Receipts to be used by Collectors.- Sec. 5, Act March 18, 1895. Paid under Protest being a citizen of the Nation.

T. C. Monroe

Auditor.

(Endorsed on back as follows)

Department of the Interior, Commission to the Five Civilized Tribes, Filed Jan 5 1903

Tans Bixby

Acting Chairman.

RECEIPT FOR POLL TAX OF 1902.

If paid on or before Saturday next preceding the first Monday in July, 1903, will entitle the tax payer, if otherwise qualified, to vote at any election held in this state prior to the first Monday in July, 1904.

No. 72                      Office of Collector of Sebastian County, Ark.

Received this 21 day of Feb 1903, of Dr. G. W. Smith  
One Dollar, in payment of Poll Tax charged against him in this  
county for the year 1902.

L. B. Barry,  
Collector of Sebastian County  
By Lee Warner D. C.

The Auditor of State only is  
authorized to have printed and  
furnish Poll Tax Receipts to be  
used by Collectors.- Sec. 5, Act  
March 18, 1895.

T. C. Monroe

This Poll Tax is Paid under  
Protest he claiming Citizenship  
in the Indian Country.

Cherokee

(Endorsed on back as follows)

He does not vote in any of our Elections State County  
or Municipal. The only interest he takes is in the Elections of  
School Elections. The Poll Tax of this State is a school fund- I  
have no knowledge of the said Dr. G. W. Smith ever voting in any  
Elections.

L. B. Barry Shff

(SEAL)

By M. L. Warner D. C.

Department of the Interior, Commission to the Five  
Civilized Tribes, Filed Mar 9 1903.

Tams Bixby

Acting chairman.



Canadian, I. T. April 21, 1903.

Indian Territory #  
# SS  
Western District #

Personally appeared before me a Notary Public in and for the Western District of the Indian Territory, on this, the 21st day of April 1903, Jno. O. Toole, a Choctaw Indian who after being duly sworn by me states on oath that Mrs. Mary E. Smith of Ft. Smith Ark. is joint owner with him in a farm located in the Choctaw Nation near the town of Canadian, I. T., and that he, the said Jno. O. Toole has acted as the agent of the said Mrs. Mary E. Smith in the management of said farm for several years, and that he annually pays to her her pro-rata of the rents derived from said farm

Jno. O. Toole

In witness whereof I have hereunto set my hand and seal as such Notary Public this the day and date first above writted.

W. C. Bolling.

Notary Public in and for the  
Western Dist't of the Ind. Ter.

(SEAL)

(Endorsed on back as follows)

Department of the Interior, Commission to the Five  
Civilized Tribes, Filed Apr 30 1903

Tans Bixby

Chairman.



INDIAN TERRITORY, )  
SOUTHERN DISTRICT.) SS

I, D. N. Garland, as acting power of attorney for Dr. G. W. Smith and Mary Smith and family, do on oath state that I am personally acquainted with Dr. G. W. Smith and Mary E. Smith, the latter being the sister of my wife. And I hereby state, on oath, that said parties were admitted by the Choctaw Council as citizens of the Choctaw Nation in October 20th, 1877 and have been carried on the rolls from 1877 to 1896.

I hereby certify that Mary E. Smith has been a land holder in the Choctaw Nation since 1890. This land is situated two miles south of Canadian, I. T. Choctaw Nation, and to my certain knowledge she has been collecting her rent annually therefrom for many years.

Some years ago they selected allotments, for their family ten miles north of Chickasha, I. T., which I have been managing for them.

D. N. Garland

Subscribed and sworn to before me this the 15th day of April, 1903.

## B. B. Barefoot

Notary Public.

(SEAL)

(Endorsed on back as follows)

Department of the Interior, Commission to the Five  
Civilized Tribes, Filed Apr 20 1903

**Tams Bixby**

Chairman.

SOUTHERN DISTRICT }  
Indian Territory. )

I, Elmer Terrell, do on oath state that I was lawfully married to Louanna Smith in the City of Ft. Smith, Arkansas, in September 1897. My wife being a member of the Choctaw tribe of Indians, and on the roll of said tribe and duly recognized by said tribe, it was our purpose, at the time of our marriage, to move to the Choctaw or Chickasaw Nation, and take up our permanent domicile there, and claim our rights as members of said tribe; and in the early spring of the year 1898 we sold out our furniture and made our arrangements to move into one or the other of said nations in May of said year, but at that time I was employed in the dry goods house of Pendergrast and McShanbe, where I had been employed for a number of years. About the time we were ready to move my employers insisted on my staying a little longer with them until they could get a man to take my place. We had broken up housekeeping and were boarding temporarily until such time as my employers could let me off, when my wife and I intended to move to the Indian Territory, as above stated; but my employers continued to detain me until about the 15th of July, 1898, when we permanently moved to the Chickasaw Nation, where we have resided ever since. As soon as I arrived in the Chickasaw Nation I invested all the means I had in property in said Nation. Soon after coming to the Nation I ascertained that my marriage under the laws of Arkansas did not confer citizenship upon me, so we

2.

were married again under and according to the laws of the Choctaw Nation, since which time we have both been recognized as members of the Choctaw tribe of Indians.

From the time I was first married to my wife I never claimed the State of Arkansas or anywhere else than the Indian Territory as my residence or domicile, but considered my stay in Arkansas as purely temporary, having constantly in mind the purpose of moving to the Indian Territory, as before stated.

Elmer Terrell

Subscribed and sworn to before me this 19th day of February, A.D. 1903.

R M Cochran  
Notary Public in and for the  
Southern District of the  
Indian Territory.

My Commission expires Oct. 17. 1905

(SEAL)

SOUTHERN DISTRICT)  
Indian Territory.)

I, MRS. LOUANNA SMITH TERRELL, do on oath state that I was married in the City of Ft. Smith, Arkansas, to Elmer Terrell in September, 1897; that I was a member of the Choctaw tribe of Indians, duly enrolled at the time, and had all my life been considered and recognized as a member of said tribe; that it was the purpose of myself and husband to remove to the Choctaw or Chickasaw Nation, one or the other, as soon as we could make our arrangements to do so; and in the early spring of 1898 we sold our furniture and made our arrangements to move at that time, but the employers of my husband were unwilling to release him, and insisted on his remaining until they could get someone to take his place, and for this reason we continued to remain at Ft. Smith, Arkansas until about the 15th of July, 1898, when we bought property in the Chickasaw Nation and moved there, and have since claimed it as our home and asserted our rights as members of the Choctaw tribe of Indians.

From the date of our marriage until our removal we constantly had in view the purpose to remove to the Indian Territory, as above stated, and considered our stay in Ft. Smith, Arkansas, as purely temporary.

I have read the affidavit of my husband, made on this subject, and I affirm as true everything he has therein stated.

Louanna Smith Terrell.

Subscribed and sworn to before me this 19th day of February, A.D. 1903.

R M Cochran  
Notary Public in and for the Southern District  
of the Indian Territory,

My Commission expires Oct. 17. 1905,  
(SEAL)

Fort Smith, Ark., 3/9/'03

STATE OF ARKANSAS     )  
                              )SS.  
COUNTY OF SEBASTIAN)

I, R. A. CLARKSON, do on oath state that I am a member of the above firm of Berry-Wright Dry Goods Co., and have known Mr. Elmer Terrell for ten years or more.

I further state that during the winter of 1897-'98, he informed me that he would claim a right in the Indian Territory by virtue of his marriage to Miss Louanna Smith, and that he was arranging his affairs to move to the Choctaw or Chickasaw nation in the early Spring of 1898.

With this purpose in view, I know he sold his household effects, and in February or March of said year, I purchased some of his furniture.

R. A. Clarkson

Subscribed and sworn to before me this 10th day of Mar., 1903

H. B. Wier  
Notary Public.

My commission expires May 27, 1905.

(SEAL)

Endorsed on back as follows:

R A Clarkson

SOUTHERN DISTRICT }  
Indian Territory.)

WE, D. N. GARLAND and his wife, MRS. INES GARLAND, do on oath state that we are well acquainted with Mr. Elmer Terrell and his wife, his wife being a niece of affiant, Mrs. Ines Garland.

We further state that we were frequently with them from the date of their marriage and before their removal to the Indian Territory, and we know it was the purpose of both of them, from the date of their said marriage, to move at a very early day, and as soon as Mr. Terrell could make proper arrangements, to the Choctaw or Chickasaw Nation, and there take up their permanent home and claim their rights as members of said tribe. We know this because being related to them and interested in them we frequently talked with them about it, and are confident that it was their constant purpose from the date of their marriage to make such removal, and that from the date of their marriage they considered their stay in Ft. Smith, Arkansas, but temporary, and they expected to make and considered the Indian territory the place of their permanent home and domicile.

D N Garland  
Inez Garland

SUBSCRIBED and sworn to before me this 21st day of February,  
A.D. 1903.

R M Cochran

My commission Expires Oct 17-1905

(SEAL)

STATE OF ARKANSAS

Loss:

County of Sebastian)

I, MRS. MARY E. SMITH, do on oath state that Mrs.

I further state that in the early spring they sold out

I further state that on or about the 15th day of

Mary E Smith

SUBSCRIBED and sworn to before me this 9th day of

# REAL

My commission expires May 27, 1905.

H. R. Vier  
Notary Public



STATE OF ARKANSAS, )  
                              ) SS:  
County of Sebastian)

I, C. S. SMART, do on oath state that I am Cashier of the Merchants' National Bank at Ft. Smith, Arkansas.

I further state that I know Mr. Elmer Terrell well, and know him to be an honorable and upright man. In the early spring of 1898 I bought some of his household furniture. I have heard him frequently declare and state that he was selling out his furniture and break up housekeeping for the purpose of moving to the Choctaw or Chickasaw Nation, there to make his permanent home, as he claimed to have the right as an Indian to do so by virtue of his marriage to Miss Louanna Smith.

C. S. Smart

SUBSCRIBED and sworn to before me this 9th day of March, A.D. 1903.

H. B. Wier  
Notary Public.

(SEAL)

My commission expires May 27, 1905.

Endorsed on back as follows:

C S Smart.



STATE OF ARKANSAS, )  
County of Sebastian) SS:

244. Q. Now, we, the undersigned, do on oath state that we are acquainted with Mr. Elmer Terrell and his wife, Mrs. Louarna Smith Terrell; that we lived in the same town with them from the date of their marriage until the date of their removal to the Indian Territory.

And we further state that we have frequently heard them both declare and state their purpose to be to move at an early day to the Indian Territory, and take up their permanent home there and claim their rights as members of the Choctaw tribe of Indians.

P. R. Davis (Wholesale Grocer)

James K. Barnes (U S Dist Atty)

T. J. Smith

Geo. T. Williams (Elmer Terrell  
only made  
statement to  
me.)

A. H. Morrow

SUBSCRIBED and sworn to before me this 9th day of  
March, A.D. 1903.

H. B. Wier  
Notary Public

(SEAL)

My commission expires May 27, 1905.

7 D 296

AFFIDAVITS.

of

Elmer Terrell,  
Mrs. Louanna Smith Terrell,  
Mrs. Mary E. Smith,  
William Pendergrast and  
P. E. McShane,  
R A Clarkson  
Tom Smith  
P R Davis  
G T Williams  
Arthor Morrow  
James K. ~~Earns~~  
C. S. Smart and  
D. N. Garland and Ines Garland.

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In the Matter of Elmer Terrell and Wife, Application for  
Enrollment as Choctaw Indians.

I beg the indulgence of the Commission to present some views that I entertain with reference to Elmer Terrell's and his wife's right to enrollment.

In the first place, their membership in the tribe and their right to enrollment is beyond dispute, except they be rejected on the ground of residence. Had there been no people applying for enrollment except those whose rights were otherwise undisputed, I do not believe that congress would ever have enacted the law requiring residence at a given time before enrollment could be had, at least without giving some time after the passage of the law in which non-residents might move into the territory. Such an arbitrary cutting off and shutting out of members of the tribe, whose rights were beyond dispute, simply because, at a given moment, they were not actual residents of the territory, is a measure so harsh and so certain to result in gross injustice, that we are unwilling to believe that congress ever could have been induced to adopt it. I think that I can truthfully say that it is a fact well known, being a matter of public history, at the time, that this provision was aimed solely at those who actually severed their relations with the tribe, and whose right to membership was denied by the tribe and whose permanent abode was else where.

Now the question arises, should the enforcement of this rule of law to its strictest letter be adopted as against persons otherwise unobjectionable to the tribe? If so, it is a clear case of where "the letter of the law killeth, while the spirit giveth life". Certainly no one would insist upon so harsh a rule or would consent to its establishment unless the

Commission is by the very terms of the law wholly deprived of discretion in the matter, and compelled to shut its eyes against every equitable consideration that may arise in any particular case.

We invite the examination by the Commission of the new affidavits presented by Terrell. We think they are particularly strong. If actual residence in the territory on the very day of the passage of the law can be excused at all, we think he presents a case that would justify such excuse. We are aware of the fact that mere intention is, as a rule, a matter about which it is often hard to arrive at the truth, because it rests in the mind and heart of the individual, and is incapable of other proof than his own, but the proof in this case will show the Commission a uniformly and continuously expressed purpose to immediately move into the territory, after the date of their marriage, coupled with preparation, and an excuse and an explanation for the brief delay, so that all the evidence taken together leaves the mind absolutely certain as to the intention of the parties. That being true, cannot the Commission properly consider the equities of the case, and exercise a righteous and wise discretion to the end that admitted justice may prevail in this particular case? The tribes do not dispute the rights of these parties, only a cold unfeeling technicality stands between them and enrollment.

In all cases of disputed right, we think the commission very properly enforces this provision of the law to the

letter, because where the substantial justice of the case is disputed or left uncertain this rule of law affords a guide to the commission, and in ninety nine cases out of one hundred it will result in substantial justice. But we most respectfully but earnestly insist that the same rule ought not to obtain in a case where the right to enrollment is denied or doubtful, and in a case where it is admitted and beyond doubt. While we admit that this commission is a creature of law, and is controlled by law, yet it does not necessarily follow that its decisions should not be seasoned with justice, or that it should shut its eyes to equitable demands.

Respectfully submitted,

C.C.Potter

Endorsed on back as follows:

In the matter of the enrollment of Elmer Terrill  
& wife

---

B R I E F

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D  
MAR 19 1903  
Tams Bixby  
Chairman.



IN THE WESTERN DISTRICT OF THE  
INDIAN TERRITORY.

I, Elmer Terrell husband of Louanna Smith Terrell do on oath state that my wife Louanna Smith Terrell was admitted to Choctaw citizenship by a special act of Choctaw Council October 20, 1877, and was on the Choctaw rolls prior to 1896. And has for many years been a land holder, annually collecting her rents and exercising her rights as Choctaw citizen by blood.

(SEAL)

Elmer Terrell

subscribed and sworn to before me this 10th day of  
April, 1903.

Minnie P. Dumas  
Notary public.

(SEAL)

My commission expires Jan 12-1907

Endorsed on back as follows:

Affidavit of Elmer Terrell in the case of Louanna  
Smith Terrell a Choctaw by blood

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D  
APR 16 1903

Tams Bixby  
Acting Chairman.

INDIAN TERRITORY, )  
                              ) ss  
SOUTHERN DISTRICT.)

I, D. N. Garland do on oath state that I am personally acquainted with Louanna Smith Terrell, she being a niece of my wife and a daughter of Mary E. Smith.

On October 20th, 1877 she was admitted as a Choctaw citizen of the Choctaw Nation and has been carried on the rolls from 1877 to 1896.

To my certain knowledge she, Louanna Smith Terrell, has been a land holder in the Choctaw Nation since 1890 and has been a land holder in the Chickasaw Nation, residing here and collecting her rents and exercising her rights as a Choctaw Citizen by blood for many years.

D N Garland

Subscribed and sworn to before me this the 15 day of April, 1903.

B B Barefoot  
Notary Public.

My Commission expires October 23, 1905

(SEAL)

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Elmer Terrell as intermarried Choctaw;  
being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Elmer Terrell.

Q How old are you? A I am twenty-eight years old.

Q You present here a license dated May 1st, 1899, issued by the  
County Clerk of Gaines County Choctaw Nation to marry Miss Louanna  
Smith, also with a certificate of marriage dated March 1st May 1st  
1899; had you been married to her previous to this?

A Yes sir

Q Under United States license? A Yes sir

Q How long? A I married the 1st of September 1897.

Q You were not divorced from her? A No sir

Q Her name then was properly Terrell when you married her the  
last time? A Yes sir

Q You were not separated from her nor divorced? A No sir

Q This second marriage was made for the purpose of complying  
with the Choctaw law in regard to marriage? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to the named Commission, that the  
transcript is a true, full and correct translation of  
my stenographic notes.

M. J. Green

C O P Y.

Choctaw D-296.

Muskogee, Indian Territory. February 28, 1902.

Elmer Terrell,

Chickasha, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T.B. NEEDLES,

Commissioner in Charge.

Register.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, April 8<sup>th</sup> 1902.

.....  
:: In the matter of the application ::  
:: of Elmer Terrell for enrollment as ::  
:: a citizen by intermarriage of the ::  
:: Choctaw Nation. ::  
.....

D-296.

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Elmer Terrell for enrollment as a citizen of the Choctaw nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskegee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

*Hal Belford*  
*Wm Mitchell Wood*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Chickasha, Indian Territory, October 16, 1902.

In the matter of the application for enrollment of Elmer Terrall as a citizen by intermarriage of the Choctaw Nation.

Said Elmer Terrall, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Elmer Terrall.  
Q How old are you? A Thirty-three, I believe, in December.  
Q What is your postoffice address? A Chickasha.  
Q How long have you lived in the Chickasaw Nation? A Nearly five years.  
Q In what year did you come here? A In '98.  
Q What month? A I don't remember the month--I know it was in the Summer.  
Q Have you lived here continuously since that time? A Yes sir.  
Q Where did you live before that? A In Fort Smith, Arkansas.  
Q You never lived in the Choctaw-Chickasaw country prior to your removal here in '98? A I never had but my folks had.  
Q You are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.  
Q What is the name of the Choctaw citizen through whom you claim your rights? A Louanna Smith, Terrall.  
Q Is she living? A Yes sir.  
Q You are living together as husband and wife at this time? A Yes sir.  
Q When were you married to her? A Married under State law in '97.  
Q Where? A Fort Smith--I was remarried under Choctaw law in 1899.  
Q From whom did you procure your license? A From the Judge at Hartshorne, Indian Territory.  
Q Choctaw Judge? A Yes sir.  
Q What time in '99? A I believe--I don't remember the date exactly--you have my license.  
Q What did you pay for your license? A One hundred dollars.  
Q Had you lived together as husband and wife from the time of your marriage in '97 until you married under Choctaw license? A Yes sir.  
Q Where was your wife living in 1899 at the time of your marriage? A In Chickasha.  
Q How long had she lived in the Chickasaw Nation? A She had lived here since '98.  
Q Where did she live prior to your marriage to her under United States law? A Fort Smith.  
Q How long had she lived there? A She had lived there for several years--I don't know exactly.  
Q You have been living together as husband and wife, have you, since your marriage under United States law? A Yes sir, since both marriages.  
Q You are both at this time bona fide residents of the Chickasaw

Elmer Terrall-2

Nation? A Yes sir.

Q Did you attempt to secure a Chickasaw license? A No sir, a Choctaw license.

Q You had been living together with this woman in the Chickasaw Nation for a year before you secured this Choctaw license? A Yes sir, she was a Choctaw.

Q Your wife's status was at that time as a Choctaw citizen residing in the Chickasaw Nation? A Yes sir.

Q When did you procure this Choctaw license? A It was in '99--I don't remember the date.

Q In what part of '99? A In the Summer, I believe, or the Spring--I forget--the license will bear the date--you have the license.

Q You procured your Choctaw license from a County Clerk of Gaines County, Choctaw Nation? A Yes sir, I think it was the County Clerk or the Judge of the Court.

Q That was the first day of May, 1899? A Yes.

Q Had you ever lived in that County? A No sir.

Q How did you procure the license? A Procured it through the Clerk by getting ten men to sign the ~~pick~~ petition to get the license.

Q Did they sign a petition to the fact that you had been an actual resident of the Choctaw Nation? A No sir--I was living in the Chickasaw Nation.

Q Why didn't you attempt to procure a Chickasaw license? A Because my wife was a Choctaw and I wanted to comply with the Choctaw law.

Q She was an actual resident of the Chickasaw Nation at that time?

A I thought, as she was a Choctaw, I was bound legally to get a Choctaw license.

Q You never attempted to secure a license from any of the County Clerks or Judges here in the Chickasaw Nation? A No sir.

Q What is the date that you left Fort Smith? A I don't remember the date--it was in the Summer of '98--it was along in June, I think, in '98.

Q That you left Fort Smith? A Yes sir.

Q When you procured this license from the County Clerk of Gaines County, Choctaw Nation, had you been an actual bona fide resident of the Choctaw-Chickasaw country for a year? A Well--I had not exactly; I was working on a salary there in Fort Smith and I claim Canadian as my home and my folks lived there. I claim Canadian was my home.

Q After you left Fort Smith--when you came to this country--prior to that time you lived in Fort Smith? A I claimed Chickasha my home after I left there.

Q When did you come to Chickasha? A It was in '98 I think.

Had you actually been residing here in Chickasha for a year when you obtained this license? A Not exactly in Chickasha.

Q Where else had you been residing? A I claimed Canadian as my home.

Q Where had you actually resided from the time you left Fort Smith until you obtained this license, and how long? A Well, I hadn't lived--I came from Fort Smith right here.

Q That was in '98? A Yes sir.

Q What time in '98 was it? A I can't remember.

Q Was it in the Summer? A Yes sir.



Elmer Terrall-3

Q Then you hadn't actually lived here a year when you obtained this license? A No sir, not according to that.


Q Did you have any trouble in obtaining this Choctaw license? A No sir.

Q It was endorsed by ten representative citizens? A Yes sir/.

-----

Ira S. Niles, being first duly sworn,, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

  
Subscribed and sworn to before me this the 23 day of October, 1902.

  
Notary Public.

C O P Y.

MARRIAGE LICENSE.

STATE OF ARKANSAS, )  
COUNTY OF SEBASTIAN, )  
FORT SMITH DISTRICT. )

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE,  
GREETING:

You are hereby commanded to solemnize the rite and publish the bans of matrimony between Mr. Elmer Terrell of Fort Smith in the County of Sebastian and State of Arkansas, aged 28 years, and Miss Annie Smith, of Fort Smith in the County of Sebastian and State of Arkansas, aged 24 years, according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand and official seal this 1st day of  
September 1897.

(Signed) T.N. Reed, County Clerk.

(SEAL)

By Jno. C. Gardner, D.C.

CERTIFICATE OF MARRIAGE.

State of Arkansas, County of Sebastian.

I, E.T. Edmond, do hereby certify that on the 1st day of Sept. 1897, I did, duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the bans of matrimony between the parties therein named.

Witness my hand this 20th day of Sept. 1897.

(Signed) E.T. Edmond,

My credentials are recorded in Recorder's Office, Ft. Smith, County, Ark.

NOTE-- This license with certificate duly executed and officially signed, must be returned to the office from whence it was issued, within sixty days from date of license, under penalty of forfeiture of the bond. No minister of the gospel is authorized to solemnize the rites of matrimony until he shall have his license or credentials

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

C O P Y.

MARRIAGE LICENSE.

STATE OF ARKANSAS, )  
COUNTY OF SEBASTIAN, )  
FORT SMITH DISTRICT. )

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE,  
GREETING:

You are hereby commanded to solemnize the rite and publish the bans of matrimony between Mr. Elmer Terrell of Fort Smith in the County of Sebastian and State of Arkansas, aged 28 years, and Miss Annie Smith, of Fort Smith in the County of Sebastian and State of Arkansas, aged 24 years, according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand and official seal this 1st day of September 1897.

(Signed) T.N. Reed, County Clerk.

(SEAL)

By Jno. C. Gardner, D.C.

CERTIFICATE OF MARRIAGE.

State of Arkansas, County of Sebastian.

I, E.T. Edmond, do hereby certify that on the 1st day of Sept. 1897, I did, duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the bans of matrimony between the parties therein named.

Witness my hand this 20th day of Sept. 1897.

(Signed) E.T. Edmond.

My credentials are recorded in Recorder's Office, Ft. Smith, County, Ark.

NOTE— This license with certificate duly executed and officially signed, must be returned to the office from whence it was issued, within sixty days from date of license, under penalty of forfeiture of the bond. No minister of the gospel is authorized to solemnize the rites of matrimony until he shall have his license or credentials

recorded in some county in the state. He should then fill out the above blank certificate.

Endorsed:

Marriage license of Mr. Elmer Terrell to Miss Annie Smith. Returned and filed this 6 day of Oct. 1897. T.N. Reed, Clerk, By Jno. C. Gardner, D.C.

Also endorsed:

CERTIFICATE OF RECORD.

STATE OF ARKANSAS, )  
COUNTY OF SEBASTIAN. )

FORT SMITH DISTRICT.

I, T.N. Reed, Clerk of the County Court of said County, certify that the above license for and certificate of marriage of Mr. Elmer Terrell and Miss Annie Smith were on the 6 day of Oct. 1897, filed in my office, and the same are now duly recorded on Page 321 of Book F of Marriage Records.

Witness my hand and the seal of said County this 6 day of Oct. 1897.

(Signed) T.N. REED, Clerk,

By Jno. C. Gardner, D. C.

SEAL.

C O P Y.

To all whom it may concern:

This is to certify that I, B.F. Peck,  
Pastor of the M.E. Church at Hartshorne, I.T. did lawfully join  
in marriage Mr. Elmer Terrell and Miss Louanna Smith.

This the 1<sup>st</sup> day of May, 1899.

(Signed) B.F. PECK.

Witnesses:

J.D. Chastain,

Mrs. Lena Chastain.

Endorsed:

MARRIAGE LICENSE.

To whom it may concern:

Know all men by these presents that Mr.  
Elmer Terrell, a white man and a citizen of the United States,  
has fully and in all respects complied with all the requirements  
of the Choctaw laws governing the marriage of white men to Choctaw  
women.

Now, therefore, I, J.W. Vawter, County Clerk of Gaines  
County, Choctaw Nation, by the authority in me vested by the laws  
of this nation do hereby grant unto the said Mr. Elmer Terrell a  
license authorizing him to be lawfully married unto Miss Louanna  
Smith, a Choctaw woman and a citizen of this nation by blood.

This the 1st day of May, 1899.

(Signed) J.W. Vawter,

County Clerk of Gaines County, C.N.

(SEAL)

C O P Y.

This is to certify that the foregoing marriage license and certificate were filed in the county clerk's office of Gaines County, C.N., and were recorded by me in record book marked "B2" on page 143, This the 1st day of May, 1899.

(Signed) J.W. Vawter,

Co. Clerk.

(SEAL)



C O P Y.

CITIZENSHIP COMMISSION,  
Choctaw Nation.

Tushka Homma, I.T. Aug. 11th, 1898.

This is to certify that Elmer Terrell is a regularly enrolled citizen of the Choctaw Nation by intermarriage. He is therefore entitled to all rights and privileges of other citizens of the Choctaw Nation by intermarriage.

Witness my hand and seal this the day and date last above written.

(Signed) A. Telle,

Green McGurtain,

Clerk. Cit. Commission,

Chairman.

Choctaw Nation.

Endorsed- Read this.

Department of the Interior,

Commission to the Five Civilized Tribes,

F I L E D MAR 7 1903.

Tams Bixby, Acting Chairman.

(COPY)

Choctaw D-87.

Muskogee, Indian Territory, January 23, 1903

George W. Smith,

Ft. Smith, Arkansas.

Dear Sir:

It appears from the records of the Commission that on October 20, 1898, you made application for the enrollment of yourself, your wife, Mary E. Smith, and your minor children, Mary D., Margurite and George Smith, as citizens of the Choctaw nation.

It does not appear that any application has ever been made to the Commission for the identification of your wife and children as Mississippi Choctaws. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1898 (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be

permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bound by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for the applicants to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the commission require that applicants were are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for the identification of your wife and children as descendants of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830, under the provisions of law above quoted it will

George W. Smith-4

be necessary for your wife to appear in person before the Commission for examination as to said rights. You will be allowed thirty days from this date within which to make such application, at the end of which time, if no such appearance is made, the Commission will then proceed to determine the rights of yourself and family to enrollment as citizens of the Choctaw Nation on the record as now made.

Respectfully,

Acting Chairman.

Registered.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, IN.T. March 16, 1903.

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In the matter of the application of Mary E. Smith for the identification of herself and her three minor children, Mary D., Marguerite D. and George Smith, as Mississippi Choctaws.

Mary E. Smith being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Smith.  
Q What is your age? A I am fifty-two.  
Q What is your post office address? A Fort Smith, Arkansas.  
Q How long have you lived there? A I have lived there in the city about twenty-five years.  
Q Where did you live before that? A I lived there prior to my marriage, I was married in Alabama; I have lived in the state of Arkansas since '71.  
Q Were you born in Alabama? A Yes, sir.  
Q Where? A Choctaw county Alabama.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Alfred Toole.  
Q What was your mother's name? A Her maiden name? A Belinda Toole.  
Q Through which parent to you claim your Choctaw blood? A My mother.  
Q How you can give me her maiden name? A Belinda Yates.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Do you claim your mother was one-eighth Choctaw? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir, she was admitted as a citizen of the Choctaw Nation in 1877.  
Q Where was she living then? A Fort Smith Arkansas.  
Q Did she ever take up residence in the Indian Territory? A She did and lived there all the while in the Choctaw Nation.  
Q Where in the Nation? A Canadian dean in the Choctaw Nation.  
Q Did you live there? A No, sir.  
Q she lived there and died in the Choctaw Nation did she? A Yes, sir.  
Q Was this by an act of the council of the Choctaw Nation? A She is by blood but my mother didn't come to the Nation when her people left her, she took up land in Alabama.  
Q She was admitted as a citizen in 1877? A Yes, sir.  
Q Was that by the Choctaw tribal authorities in 1877? A Yes, sir.  
Q You with her ~~was~~ in her family was admitted at the same time? A Yes, sir, she had her immediate family and my oldest daughter who is married they were all admitted at that time.  
Q Has anything happened since then to deprive any of these children of their rights as citizens? A No, sir.

- Q You have always lived out of the Territory then? A Yes, sir.  
 Q I suppose then because of non-residence citizenship rights of these people and your application was made when your mother was admitted was lost? A I didn't understand the question.  
 Q Your mother was admitted and also other members of her family and because of non residence they have lost their right? A Yes, sir, we had notice from the Commission to appear here.  
 Q This letter is addressed to Mr G. W. Smith, is that your husband  
 A Yes, sir.

On September 18, 1903 a letter was addressed to Fort Smith Arkansas to your husband G. W. Smith stating that it would be best for you to appear and make application as a Mississippi Choctaw.

- Q And by virtue of this letter of instruction of that date signed by Tams Pixby, acting Chairman, and for the reasons that your citizenship was lost by non-residence you come before this commission today? A Yes, sir.  
 Q Do you want to be identified with your children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Your husband's race is what? A White.  
 Q Has no Choctaw blood then? A No, sir.  
 Q Now if you will give the names of your children under age and unmarried? A Mary D. Smith.  
 Q What is her age? A She is sixteen.  
 Q What is the name of the next child? A Marguerite D. Smith.  
 Q And how old is Marguerite? A Fourteen.  
 Q The next child? A George boy.  
 Q How old? A Nine years old.  
 Q You claim for yourself and these three children? A Yes, sir.  
 Q Is your father G. W. Smith father of these children and are you and your husband living together at his home? A Yes, sir.  
 Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.  
 Q You are not enrolled now are you? A No, sir.  
 Q You don't claim then that you are enrolled do you? A No, sir, I always thought we could come in whenever we wanted to.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation, or your children? A Yes, sir.  
 Q Your name with the names of your children may have been put on the tribal roll of the Choctaw Nation but is it not so that you have lost your citizenship and these children have lost their right? A Yes, sir.  
 Q And for that reason you come before the commission and make this claim today? A Yes, sir.  
 Q Do you understand article fourteen? A Yes, sir.  
 Q Do you know whether any of your ancestors have ever complied with any of the provisions of that treaty? A Yes, sir.  
 Q Who was that? A My grandfather and grandmother.  
 Q You can go back no further than your grandfather and mother? A That is as far as I know.



- Q What was your grandfather's name? A Allen Yates.  
 Q And grandmother's name? A Millie Yates.  
 Q How much Choctaw blood did they have? A Grandfather was a white man, his wife grandmother, was one-quarter.  
 Q What was your grandmother's maiden name? A Nail.  
 Q And her mother was one-quarter or her father? A Her mother was one-fourth  
 Q Do you know what her mother's name was? A Bates.  
 Q Do you know her full name? A No, sir.  
 Q How did your grandmother Millie Yates live in Mississippi or Alabama in 1830 and have a family there then? A Yes, sir.  
 Q Did she go to Colonel Ward within six months after the treaty was ratified and attempt to register under article fourteen of that treaty? A Yes, sir she got her land there.  
 Q Did you hear she went to Colonel Ward, he was the agent? A She went to the agent whoever it was.  
 Q Was her name put upon Ward's registry list? A Yes, sir.

The name of Allen Yates appears upon page 53 of Volume VII of the American State Papers Public Lands, in a list of Mississippi Choctaws entitled to the additional one-half section under article nineteen of the treaty of 1830 under Chief Nita-cha-choe, said name being on page 653, giving the number of acres in cultivation 140, entire number of family 19, and males over sixteen none, under sixteen one white and 12 slaves, Pushoushear Creek half mile from white settlement; total number of acres 1280, provided in supplement two sections.

- Q Now that is a reference made to Allen Yates; do you know whether the Allen Yates is the ancestor of yours who was a white man and who married your grandmother Millie? A Yes, sir.  
 Q Have you been so informed, is it a matter of family history? A I knew them in person.  
 Q How old would he be if living now? A Eighty-four when he died, died about two years ago.  
 Q Well then according to your best knowledge and belief he was born 1778 or 1777.

Note:

On page 129 Volume VII American State Papers in a list of claims allowed under the treaty in Nita-cha-choe's District appears the name of Allen Yates, number of acres 140 number of acres held 1280. It would seem that the Allen Yates whose name appears on page 129 is the same person as the Allen Yates whose name appears on page 53, he received the same number of acres in cultivation and the same total number of acres.

- Q You think this is your grandfather. Do you know if any of your Choctaw ancestors either his wife or any ~~was~~ other ancestor of yours or he for any one else, went before the Commission of 1837 or the Commission of 1842 and claimed any benefits under article fourteen of the treaty of 1830? A I am speak now about going before commissions along time after they made application to Colonel Ward. Applications were made to him in 1831. I am speaking about these commissions that acted a long time afterwards do you know anything about them? A No, sir.

- Q Did any of your ancestors receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, I think not.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak the Choctaw language? A No, sir, neither did my mother, but my grandmother did.  
Q You knew her did you? A Yes, sir.  
Q How did she look? A She had Indian features, she had blue eyes and rather fair hair.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case if she so desires.

- Q You say your grandmother had blue eyes? A Yes, sir.  
Q And when you knew her where was she living? A Choctaw county Alabama.  
Q When did you know her last? A Knew her all my life until she died.  
Q When did she die? A My grandmother was sixty-four years old when she died but I don't know what year she died in, I think it was three years after grandfather died, long time ago.  
Q You knew your grandmother Millie Yates? A Yes, sir.  
Q And you knew she had Choctaw blood? A Yes, sir.  
Q You saw it yourself and you heard her say so? A Yes, sir.  
Q And you know she had a white husband Allen Yates? A Yes, sir.  
Q Did you know him personally? A I did.  
Q And did you know that they occupied this land in Mississippi or Alabama? A Yes, sir.  
Q Where was it? A Washington county.  
Q Did he have slaves? A About three hundred.  
Q Now do you remember this stream Pushoushpear? A Been on it many a time.  
Q Do you know what it means? A Well they call their babies pushoush.  
Q You say you remember that creek? A I do.  
Q You have heard the reference made to Volume VII American State Papers and where the name appears on page 53 and page 129 and you think that is the Allen Yates who is your grandfather? A Yes, sir.

This applicant has the appearance of being descended from white parentage, blue eyes, medium fair complexion, dark brown hair nearly black; has no knowledge of the Choctaw language herself, says her grandmother Millie Yates spoke the Choctaw language. Her knowledge of a compliance on the part of her ancestors with the provision of article fourteen of the treaty of 1830 is as she has given it in her testimony and the references made in her testimony to the Allen Yates whose name appears on page 53 and 129, American State Papers, Volume VII, she claims to be her grandfather.

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Chas. Diffendaffer, being first duly sworn states that as

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stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 16, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Differdaffer*

subscribed and sworn to before me this ~~24~~<sup>24</sup> day of April 1903.

*Charles H. Sawyer*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 16, 1903.

N C R 7053.

In the matter of the application of Mary E. Smith, et al.,  
for identification as Mississippi Choctaws.

In the matter of the application of Louanna S. Terrell  
for identification as a Mississippi Choctaw.

In the matter of the application of Olive B. Critz, et  
al., for identification as Mississippi Choctaws.

ADDITIONAL TESTIMONY.

Salina C. Dunn being called as a witness by applicants  
after being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Salina C. Dunn.
- Q Where do you live? A In the territory here amongst my children.
- Q What is your present address? A Coalgate; but my home is mostly at Hartshorne.
- Q What is your age? A Seventy years old.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q You come before the Commission now to testify in the matter of the applications for identification as Mississippi Choctaws of Mary E. Smith, Louanna S. Terrell, and Olive B. Critz? A Yes sir.
- Q Now, you may state what you know about their having Choctaw ancestors, and about their Choctaw ancestors? A They are nieces of mine, Mrs. Smith's mother and myself were sisters, daughters of Milly Yates and Allen Yates.
- Q Did you come to the Choctaw Nation with Mary E. Smith, your sister? A Yes sir, we come here pretty much the same time,-- that is my sister Belinda Toole.
- Q That was your sister? A Yes sir.
- Q And the mother of Mary E. Smith? A Yes sir.
- Q And the grandmother of these two children, Louanna S. Terrell and Olive B. Critz? A Yes sir.
- Q Have you been a member of the Choctaw tribe of Indians since the time you came? A Yes sir.
- Q You were admitted then were you? A Yes sir.
- Q And enjoy full citizenship rights in the Choctaw Nation? A Yes sir.
- Q At that time was your sister, Belinda Toole, admitted as a member of the Choctaw tribe? A Yes sir.
- Q And when she died she was a member? A Yes sir.
- Q About how long had she lived in the Choctaw Nation when she died? A About twenty years I think; I have been here twenty-five years, about the same time.
- Q Did she use to live in Alabama? A Yes sir.
- Q She married a man named Toole? A Yes sir.
- Q And you married a man named Dunn? A Yes sir.
- Q How much older was she than you or younger? A She was ten years my senior.
- Q She would be about eighty years old if living now? A Yes sir.

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Mary E Smith----2

- Q What other brothers and sisters did you have? A I had three sisters and one brother.
- Q What was your brother's name? A Alfred Yates.
- Q How old would he be if living now? A He would be ninety years old.
- Q He was living and was quite a man in 1830 when that treaty was made? A Yes sir, he must have been.
- Q What are the names of your other sisters besides Belinda Toole? A Mary and Emily and Elizabeth; those little ones died though, and those of mature years were Emily, Belinda and myself.
- Q Where did she die? A In Alabama.
- Q When did she die? A She died before we left Alabama; it must have been twenty-five or twenty-six years ago.
- Q What do you know of your own knowledge about Allen Yates, your father, or Milly, his wife, your mother, having occupied land in the old Choctaw Nation, either in Mississippi or Alabama, which land was received from the government? A Well, they did.
- Q Do you know where that land was located? A It was located in Choctaw County.
- Q Do you know on what river or creek? A I guess the nearest creek that I can think of was called Pushouah.
- Q How much of a creek was that? A Not a very large stream.
- Q Do you know what was meant by that name in the days when you used to live there? A I have heard they called it crying baby, or something like that in the Choctaw language.
- Q How much land was there in that property? A I don't know exactly how many acres they did get, but they got quite a number of acres of land.
- Q When did they get it? A I don't recollect.
- Q Did you ever see that land; were you upon the land? A They had it in their possession when I was born.
- Q You were born about the time or a little after the treaty was ratified? A I was born in 1833.
- Q Do you know as a matter of family history that they had it in their possession then? A Yes sir, they received the land before I was born.
- Q How long did they keep it in the family, or was it distributed among the children? A It was distributed up amongst the children.
- Q Did you get some of it? A Yes sir.
- Q How much did you get? A It was distributed in different sections, I must have received about a thousand acres of land.
- Q You did? A I think so; it was divided up amongst the four children.
- Q What became of your portion of it? A My portion was sold out when we came to this country.
- Q Was it good land? A It was pretty good land.
- Q Some of the land down there is not very good? A Yes sir, some of it is not very good.
- Q This was down along the creek was it? A No, it was prairie land.
- Q Were there pine trees on it, or was it cultivated? A It was cultivated prairie land.
- Q Did either your father or mother live on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified, and then get a deed for that land? A Well, yes, I

Mary E Smith-----3

suppose they did; it is my knowledge they did.

Q Do you know positively about having seen any patent issued to either your father, Allen Yates, or your mother, Milly?

A I suppose they had it, but perhaps I didn't see it.

Q You know what a patent is? A Yes sir.

Q It is the same as a deed, only it is issued by the government to the person who receives the land, it is really a deed? A Yes sir.

Q You say you never did see one of those? A Yes sir, I think I have seen them; I rather think he had a deed, my father.

Q Do you really think you ever did see one that was issued to him? A I believe I did, but we never did think of anything of this kind, and never paid much attention to it you know.

On page 53 of Volume 7 of the American State Papers in a list of Indians owning farms entitled to additional land under the 1<sup>st</sup> article of the treaty of 1830, under the caption of "Chief Nitachachee District", appears the name of Allen Yates, as having received 140 acres of land in cultivation; his full family is described as nineteen, males and females under ten described as three, and the locality of the farm described as Pushcushpear Creek, half mile from white settlement; also provided for in supplement two sections.

Q Do you know whether that is your father or not? A Yes sir, that is my father.

Q Did you ever hear that he received any land under the supplement of the treaty of 1830, or do you remember? A I don't remember.

The treaty was made up of articles, and after the treaty proper was made an additional portion was added to the treaty called a supplement to the treaty, and it would seem from this description that he was provided for in the supplement.

Q Do you consider that your father received this land under article 19 of the treaty of 1830, and also received land under the supplement of the treaty? A Yes sir.

In a list of claims allowed under the treaty in Nitachachee District on page 129 of Volume 7 of American State Papers, Public Lands, appears the name of Allen Yates, having received the same number of acres, 140 in cultivation; and under the list of number of acres allowed is 1280, under the head of remarks "Provided for in treaty".

Q Is that the same Allen Yates, your father? A Yes sir,

Q Do you know whether his name appears on any other list of the government as a beneficiary under any other article of that treaty of 1830? A I don't know.

Q What kind of a looking woman was your mother in regard to whether she looked like a Choctaw Indian or not? A She was about my complexion I suppose, pretty much, hair and eyes. Blue eyes? A Yes sir.

Q Brown hair? A Yes sir, I resemble my mother very much.

Q She showed her white blood more than her Indian? A Yes sir, but the male members of her family were dark.

Q Did you ever hear your mother say she went to Colonel Ward, and register under Colonel Ward under article 14 of the treaty of 1830? A No sir.



Mary E Smith----4

- Q Do you remeber hearing her say where she was born and when?  
A She was born in Mississippi.
- Q Do you know where in Mississippi? A I think she was born near Quitman in Clark County.
- Q How old would she be if she were living now? A My mother would be quite old; I suppose she would be ninety or more; she has been dead a good long time.
- Q Did she speak the Choctaw language? A Yes sir, fluently.
- Q What was the physical appearance of your father, Allen Yates?  
A He was rather a small man, fair complexion, blue eyes.
- Q He did not understand Choctaw? A No sir.
- Q He was a white man? A Yes sir, a Virginian.
- Q Did your mother have any Indian name, any other name that you know of? A No sir, not that I know of.
- Q Did she ever say very much to you about her rights as a Choctaw Indian? A Yes sir.
- Q Did you ever hear her say who claimed her rights for her, whether she did it for herself, or whether her husband did it for her? A She claimed she did herself, he did through her.
- Q Do you know of any record upon which her name appears as a claimant under article 14 or any other article of the treaty of 1830? A I dont know, I suppose it is on record.
- Q The records that have been read are records made of one Allen Yates as a beneficiary under article 19 of the treaty of 1830; do you know of any other name where his name appears or where her name, your mother Milly, appears? A Well, I dont know; it might be on deeds or something like that.
- Q You dont know of any now? A No sir; since the war a great many of our deeds have got misplaced.
- Q Do you know anything further than you have testified to now in reference to Allen Yates for his wife, or his wife for herself, exercising any rights of Choctaw citizenship in any manner, either before Colonel Ward within six months after the treaty of 1830 was ratified or before the Commission of 1837 or the commission of 1842? A No sir.
- Q Do you know whether either of them ever received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Aarkansas? A I dont know.

Witness excused.

Mary Cooper being called as a witness by applicants after being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Cooper.
- Q What is your age? A About sixty.
- Q What is your post office address? A I live down here in the nation below Canadian.
- Q What is your post office address? A Canadian.
- Q Indian Territory? A Yes sir.
- Q Are you a Choctaw Indian? A I have never proved no right; I always claimed it, but never tried to prove it.
- Q You never have been admitted to citizenship in the Choctaw Nation? A No sir.
- Q Do you know Mary E. Smith? A Yes sir.
- Q Do you know her daughters, Louanna S. Terrell and Olive E. Critz? A Yes sir.
- Q Do you know Selina C. Dunn, their great aunt? A Yes sir.
- Q Did you know Allen Yates and Milly Yates, his wife? A Yes sir.
- Q They were the father and mother of Selina C. Dunn? A Yes sir.



Nary E. Smith-----5

- Q Did you know Belinda Toole? A Yes sir.
- Q Was she a sister of Selina C. Dunn? A Yes sir.
- Q And the daughter of Allen Yates and Milly Yates? A Yes sir.
- Q Did you know them in Mississippi? A Knowed them in Alabama; we were all on the other side right on the line, it is the same almost.
- Q Now, tell me what you know about Allen Yates or Milly, his wife, having Choctaw blood and Choctaw rights in the Indian Territory? A Well, I have always heard ever since I can remember they claimed it.
- Q Which had the Choctaw blood, Allen Yates or Milly, or both? A His wife, Milly.
- Q Was Allen Yates a white man? A Yes sir.
- Q You knew him? A Yes sir.
- Q How did he look? A He was a small like man, light complexion, blue eyes.
- Q How did his wife, Milly, look? A She looked kinder like Mrs. Dunn there.
- Q Her eyes were blue? A Yes sir.
- Q Brown hair? A Yes sir.
- Q Medium light complexion? A Yes sir.
- Q How old was she when you last knew her, Milly Yates? A I knew her until she died.
- Q And that was when? A She was about sixty-four.
- Q Was that in Mississippi or Alabama? A In Alabama; I was right there.
- Q Did she live on land, - own land? A Yes sir.
- Q Where did she get that land? A She got it from the Nation I reckon.
- Q In the old Choctaw Nation? A Yes sir.
- Q In Alabama? A Yes sir.
- Q Whom did she get it from? A I dont know.
- Q Did you ever hear that she got it from the government, or do you remember? A I dont remember.
- Q Do you know how much land there was? A No sir, I do not.
- Q Where was it located? A It was just like Mrs Dunn said, some on the creek and some prairie in Choctaw County.
- Q On what creek? A Pushcush.
- Q You knew about that creek did you? A Yes sir, I have crossed it many a time.
- Q Ever fish in it? A Yes sir, I have.
- Q Did you ever catch any fish? A O, yes, sometimes.
- Q How much of a creek was it? A A tolerably large creek.
- Q Was it good land there by the creek? A Yes sir, tolerably good land.
- Q Was the prairie land good land there? A Tolerably .
- Q Did you know Belinda Toole when she came to the Choctaw Nation, Indian Territory? A We were all raised there together.
- Q I am talking about the Territory now? A She come here-- it was several years before I come.
- Q How long after she reached the Territory did you come? A About eight year.
- Q Did she come out with her husband? A Yes sir.
- Q Were her father and mother living at the time, or had they died? A No sir, they were not living.
- Q At the time when Belinda Toole came out did her sister, Selina E. Dunn, come? A Yes sir.
- Q Did they prove up their Choctaw rights? A Yes sir.
- Q Why didn't you? A Just because I didn't have witnesses enough; I aimed to, but my father got sick and died, and I just let it alone; but I am entitled to it you know, but I

Mary E Smith-----6

didn't have no witnesses ready.

- Q Did your father or mother or grandfather or grandmother or any of them get any land from the government in Mississippi or Alabama? A No sir.
- Q Are you related to these applicants? A No sir.
- Q You were just a neighbor of theirs? A Yes sir.
- Q X~~am~~ Do you know whether Allen Yates for his wife, Milly, or whether she for herself, went before Colonel Ward within six months after the treaty of 1830 was ratified and registered or attempted to register under article 14 of that treaty? A No sir, I do not.
- Q Do you know whether they went before the commission of 1837 or the commission of 1842 and claimed any benefits under article 14 of the treaty of 1830? A No sir.
- Q Did anybody ever say to you or did you ever hear in any way that Allen Yates or his wife, Milly, received any land from the government, how they received it and when? A No sir.
- Q You just know they held land there? A Yes sir, that is all.
- Q Is that all you know about it? A Yes sir, thats all I know.

Witness excused.

John O. Toole being called as a witness on behalf of applicants after being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John O. Toole.
- Q How old are you? A Fifty-two.
- Q What is your post office address? A Canadian.
- Q What is your occupation? A I am a merchant.
- Q How long have you lived in Canadian? A About eighteen years.
- Q Have you any claim before this Commission for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made any claim for citizenship in the Choctaw Nation? A I am a Choctaw citizen.
- Q When were you admitted to citizenship in the Choctaw Nation? A We went before the Council in '77.
- Q Your mother then was living? A Yes sir.
- Q Her name was what? A Belinda Toole.
- Q Application was made for you at the time when your mother made application? A Yes sir.
- Q What date were you admitted by the Choctaw Council? A We were admitted October 20 of the year 1877.
- Q And have you been member of the Choctaw tribe ever since? A Yes sir, and so recognized.
- Q Are Allen Yates and Milly Yates, his wife, your grandfather and grandmother? A Yes sir.
- Q What relation are you to Mary E. Smith? A My sister.
- Q What relation to Louanna S. Terrell? A My niece.
- Q And Olive B. Critz? A She's the same, my niece.
- Q Now, you lived at one time in Alabama? A Yes sir, born there.
- Q And lived there until you were how old? A I left there last about 1873 or '74; my father left there before that time and started to the Choctaw Nation and stopped over here in Arkansas a few years in order to school his children, and I went back to Alabama, they sent me back there and I stayed about three years I guess; it was '74 when I left there.
- Q Selina C. Dunn who is a witness for these applicants today is your aunt? A Yes sir, my mother's sister.
- Q How old would your mother be if living now? A She was born in '22, about eighty-one years old.
- Q And Mrs. Dunn, who has been before the Commission today, is

Mary E Smith-----8

about how old according to your record? A I have got the old family Bible, and I was looking at it last night, Mrs. Dunn is put down as born in '33.

Q Now, you can tell me what you know about your grandfather and grandmother, Allen Yates and Milly, his wife, having Choctaw blood, which had it and whether they received land as Mississippi Choctaws under any portion of the treaty of 1830, and whatever you know from family history and tradition? A Well, all I know is what my mother and grandmother told me; my understanding was from what I have heard them say often my grandmother's mother, who was Mary Nail, was a widow woman at that time; her husband, Henry Nail, my great grandfather, was buried right close to where I was born; I have been to his grave; my understanding was he was a white man--

Q Henry Nail? A Yes sir.

Q Your great grandfather? A Yes sir; and my great grandmother, Mary Nail, came over in the early '30's, and she had five sisters who married the Fulsoms, and she had three brothers, and those brothers all came to this country, Choctaw Nation, but my grandmother had married Allen Yates, and he had accumulated considerable property there in the way of stock and improvements; he was a very shrewd man, and saw where it would be better for him to remain there and take his land, and after five years get his deed and sell it out and then come on to the Choctaw Nation; at least he promised grandmother that, I have heard her say so; but he never did come; it was always my understanding that grandfather took lands there for his family.

Q Always your understanding that your grandfather, Allen Yates, did? A Yes sir.

Q He took it through her as an Indian I suppose? A Yes sir, and my mother told me that grandfather selected land for her; my mother was old enough at that time to get a certain portion of land.

Q Felinda Toole? A Yes sir, she must have been about ten years old I suppose; that is what my mother told me.

Q How much land did your mother get according to her statement? A I dont know; she told me, but I dont remember.

Q Do you know whether this land was obtained by your grandfather, Allen Yates, for himself through his wife, Milly, and for their children, your mother included in that number, under article 14 of the treaty of 1830, or under article 19 of the treaty of 1830, or under either of those articles and the supplement of the treaty of 1830? A I couldn't answer that question, because I dont know under what article they took the land, but I had supposed all the time it was under article 14, but they took land, under which article of that treaty I dont know, but I am rather inclined to think it must have been under article 14, for the fact that my grandfather took his land right at the beginning, and wouldn't have waited for that supplemental treaty.

You know the treaty of 1830 was made with all its articles at one time; it was all signed on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831, and was an entire treaty at that time.

Q Now, the question I have asked you is whether you know from family history and tradition as to whether Allen Yates, a white man, took land for Milly Yates, his wife, having Choctaw blood, under the 19th article and the supplement of the treaty of 1830, or whether he took it under article 14? A I dont know;--

there is another thing I happen to think of; my grandmother's name was--- well, I don't know what her name was, whether it was Milly or Emily; I know that I have heard that Milly was a kind of a nickname for Emily; she is known by all her brothers and sisters as Milly/-- I am inclined to think my grandfather took his land under the 14th article, simply for the reason that he did not intend to stay there; my-- when was the treaty of Dancing Rabbit Creek made?

Q On the 27th day of September, 1830, and was ratified in 1831? A I have heard my grandmother say a great many times that it was through her influence greatly that the Indians made that treaty; she was a very influential woman, and was recognized by the Commission sort of like those captains were, and she used her influence to get the Indians to make that treaty; after she and grandfather had taken their land the government gave my grandfather two sections of land for going among the full bloods and teaching them how to weave and make garments and so forth; she selected it in Noxubee County, Mississippi, and was beat out of it by an old fellow named General Grant.

Q Have you testified, Mr. Toole, to all that you know or can think of now in support of this claim for these applicants? A Well, I don't know of anything else; according to the records there this Pushoush Creek-- that was all in the neighborhood of my grandfather's land, and I am satisfied he settled on this land, and that Mrs. Dunn and my mother and all of them were born right on these lands; he bought a great deal of land too, and come to be a very wealthy man, and owned the country for miles and miles around, and of course must have bought a great deal of land too.

Q Now whether or not he for his wife went before Colonel Ward and claimed under article 14 of the treaty of 1830 within six months from the ratification of the treaty of 1830, or whether he made his claim under article 19 and the supplement of the treaty, or either, are you fixed in your mind in regard to that? A No sir, I couldn't answer that question.

Q And whatever you think about it is what is based upon your judgment, and what you have heard in the family, handed down from family history and tradition? A Yes sir; it is my opinion he taken it under article 14; of course I don't know, but I draw my conclusions from the fact that he intended to stay all the time, and that was the first opportunity he had, under the first treaty there.

Q But Mr. Toole, I want to call your attention to this matter: The name of Allen Yates appears on page 53 of the American State Papers, Public Lands, Volume 1, under number 1 form of return, of Indians who were located under the treaty, and under a list of Indians owning farms. Now, this seems to be a form of return of Indians who lived in Chief Nitachachee District, and it is headed "A list of captains entitled to the additional half section under the 10th article of the treaty", now if this is so that this form of return No. 1 is a list of the names of Choctaw Indians it would seem that he received benefits under the 10th article of the treaty of 1830. All the testimony in this case that bears upon this question is material, whether under article 14 or whether under article 19, or whether under the supplement of the treaty. It raises the question whether this Allen Yates is your grandfather, and whether he is also a beneficiary under article 14 of the treaty, or any other part of the treaty if he is a beneficiary under article 19 of the treaty.

Jary R Smith-----10

By witness: What are these books?

By Commission: American State Papers, documents of the courts of the United States in relation to the public lands from the session of the twenty-third to the second session of the twenty-third Congress, commencing April 11, 1834, and ending March 3, 1836, Volume 7. Now, these are records, some of them in Volume 7 and also Volume 8, containing some matters pertaining to the allotting of lands under the treaty of 1830, which treaty was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek on the 27th day of September, 1830.

By witness: I have heard my grandmother speak of having been one of the interpreters of the Dancing Rabbit treaty, and about working with the Indians and helping make them make that treaty; she was an influential woman, and had a great deal to do with the making of that treaty.

By Commission:

Thirty days time is allowed in these three cases, M C R 7053, M C R 7054, and M C R 7055, for the introduction of other proof which is proper to be presented to show that the ancestors of these applicants were Choctaw Indians, or any of them, and claimed benefits under article 14 of the treaty of Dancing Rabbit Creek.

The list in the possession of the Commission showing those who received scrip under the act of Congress of August 23rd, 1842, has been examined, and the name of Allen Yates, or the name of Mully Yates, are not found upon said lists.

Witness excused.

W H Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 16th day of March, 1903, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

#7054.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 16, 1903.

In the matter of the application of Louanna S. Terrell  
for identification as a Mississippi Choctaw.

Louanna S. Terrell being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Louanna S. Terrell.
- Q What is your age? A About thirty.
- Q What is your post office address? A Chickasha, I. T.
- Q How long have you lived there? A About five years.
- Q Where did you live before that? A Fort Smith, Arkansas.
- Q Where were you born? A Near Fort Smith, Arkansas, in the country.
- Q You were born in Arkansas? A Yes sir.
- Q And went from there to the Indian Territory? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your father's name? A George W. Smith.
- Q What is your mother's name? A Mary E. Smith.
- Q Do you claim through your mother? A Yes sir.
- Q How much Choctaw blood do you claim? A I suppose about one-thirty-second.
- Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A By the Choctaws.
- Q When was that? A 1877.
- Q And then she removed from the Choctaw Nation to Arkansas?
- Q A No sir, she always lived there, after she left Alabama she lived in Arkansas.
- Q I am talking about your mother; didn't she lose her rights as a Choctaw citizen on account of non-residence? A Yes sir, just non-residence.
- Q Then she must have gone from the Choctaw Nation to some state, did she not? A She came from Alabama to Arkansas.
- Q Did she ever live in the Choctaw Nation in the Indian Territory? A No sir.
- Q Then your mother came to the Choctaw Nation, Indian Territory, in 1877, didn't she? A That's my grandmother and not my mother who came.
- Q Now, did you ever live in the Choctaw Nation, Indian Territory? A I am living here now.
- Q But I mean-- tell me just when you did live here? A We came here in July, 1898.
- Q Were you ever placed upon the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir, I was.
- Q Why are you not on those rolls now? A Because we were not living here on June 28th, 1898, I suppose.



Louanna S Terrell----2

- Q You came to the Choctaw Nation, Indian Territory, after the act of Congress of June 10, 1896, which authorized the Dawes Commission to make a list of Choctaw citizens in the Choctaw Nation? A Yes sir.
- Q Therefore you have never been enrolled as a member of the Choctaw tribe of Indians in the Indian Territory, have you? A No, I guess not.
- Q Now do you come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you make any claim for anyone besides yourself? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his race? A He's white.
- Q What is his name? A Elmer Terrell.
- Q You do not make any claim for him then? A No sir.
- Q Your name is not on any of the tribal rolls of the Choctaw Nation in the Indian Territory, is it, placed there by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A Well, in 1877 we were placed on the tribal rolls by an act of Council.
- Q Do you know your name was placed upon the rolls? A Yes sir.
- Q Then afterwards your name was taken from that list because of non residence? A Yes sir.
- Q You claim for yourself alone? A Yes sir.
- Q Do you want to be identified now as a Mississippi Choctaw claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Mrs. Terrell, on February 18, 1903, a letter was written, signed by Tams Bixby, Acting Chairman of the Commission, to George W. Smith, your father, at Fort Smith, Arkansas, stating why it would be wise for your mother to come before the Commission, and as you had the same rights as she I suppose that the instruction contained in that letter was one of the reasons why you appear today? A Yes sir.
- Q Now, will you give me the name of your ancestor, or the names of your ancestors, through whom you claim your Choctaw blood? A My mother, Mary E. Smith.



Louanna S Terrell----3.

- Q And she claimed through whom? A Her mother, Belinda Toole.  
Q And she claimed through which parent? A Her mother.  
Q Her name was what? A Milly Yates.  
Q Did she have Choctaw blood? A Yes sir.  
Q How much? Supposed to be a quarter.  
Q Who was her husband? A Allen Yates.  
Q A white man? A Yes sir.  
Q Now, do you know whether the name of Allen Yates, your great grandfather, a white man, appears on any of the records of Choctaw Indians who claimed any ebenefits under any portion of the treaty of 1830? A Yes sir.  
Q You know this treaty was made between the United States government and the Choctaw Indians who were at that time living in the state of Mississippi? A Yes sir.  
Q You have heard Mary E. Smith's testimony? A Yes sir.  
Q She is your mother? A Yes sir.  
Q And your testimony will be the same as hers in all the substantial parts as affecting your rights as a Choctaw Indian? A Yes sir, just the same.  
Q You heard her state that Allen Yates was a white man and married Milly, who had Choctaw blood? A Yes sir.  
Q What was Milly Yates' maiden name? A Milly Nail.  
Q Did you ever hear that Allen Yates for his wife, Milly, or that she for herself, went to Colonel William Ward within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of the treaty of 1830? A Yes sir, I have heard it.  
Q Do you know whether she did actually register under that article or not--- I am speaking of article 14 14 of the treaty of 1830? A I understand she did.  
Q Do you know whether her name appears upon Colonel Ward's original list of beneficiaries under article 14 of the treaty of 1830? A I understand she was.  
Q Did any of your Choctaw ancestors live onland in the old Choctaw Nation, either in Mississippi or Alabama, for five years after the treaty of 1830 was ratified, and then get a patent from the government for that land? A The way I understand it they did.  
Q Who did, Milly Yates? A Yes sir, and several more of them.

Note;--- On page 53 of Volume 7 of American State Papers, Public Lands, in a list of "The captains entitled to the additional half section, under the nineteenth article of the treaty" in Chief Nitachashee District, under "no. 1 form of return", and under the heading "Names of Indians owning farms", appears the name of Allen Yates; the locality of the farm is described as "Pushcushpear Creek, half a mile from white settlement".

- Q Do you know whether that is your great grandfather? A That is the way I have understood; Allen Yates was my great grandfather.  
Q You heard your mother testify in reference to Allen Yates, and you want your testimony to be considered with her testimony in this connection? A Yes sir.

Note:--- On page 129 of Volume 7 of American State Papers, Public Lands, in a list of "Claims allowed under the treaty in Nitachacha District", appears the name of one Allen Yates, number of acres 140; total number of acres allowed 1280; under the head of remarks "Provided for in treaty".

Louanna S Terrell-----4

- Q Do you think that is your great grandfather? A Yes sir.
- Q And you think that is the same Allen Yates whose name appears on page 53 of Volume 7 of American State Papers? A Yes sir, I suppose it is the same one.
- Q The number of acres in cultivation and the total number of acres correspond in both cases, which would indicate it was the same person? A The same.
- Q You are reasonably certain that this Allen Yates was your ancestor? A Yes sir.
- Q And he is your great grandfather? A Yes sir.
- Q But he is a white man? A Yes sir.
- Q You claim through his wife, Milly Yates, your great grandmother? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No.

In 1837 and also in 1842 commissions were appointed to hear the claimants under article 14 of the treaty of 1830. These commissions were appointed, one under an act of congress approved March 3rd, 1837, and the other under an act of Congress approved August 23rd, 1842, to hear these claimants who had tried to register under article 14 of the treaty of 1830 but had been refused the right to register by Colonel Ward, and as a result of this refusal these Indians had lost their land in the old Choctaw Nation; it was taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits under article 14 of the treaty of 1830? A No sir, I think not; I dont know.
- Q As far as you know they did not? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know anything of it.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want your case considered under the application of your mother, Mary E. Smith? A Yes sir.

The application of Mary E. Smith, et al., M C R 7053, is referred to for the purpose of consolidation.

30 days time will be allowed this applicant in which to introduce other proof in this case if she desires to do so.

Note:--- In a schedule of those Choctaws who received land under the provisions of the treaty of 1830 by remaining upon the land five years in accordance with article 14 of that treaty, which schedule was compiled by the Commission and signed H. B. H. (K), and which schedule first states a brief review of an exhaustive examination of the records of the United States government referring to the terms of article

Louanna S Terrell----5

14 of the treaty of 1830, and an examination of Volume one of the Choctaw Nation against the United States, and also Volume two of the same; also referring to to 119 United States Statutes, pages 6 and 17, and referring to any and all records in the possession of the Commission to the Five Civilized Tribes which would enable a correct and perfect review to be made in order that a correct list might be obtained and a schedule made of Choctaws who received land under the provisions of article 14 of the treaty of 1830, appears the name of Milly Yates; wife of Allen Yates, Noted "received two sections land by special Act of Congress; no children mentioned."

This applicant appears to be descended from white parentage; she has dark brown hair, blue eyes, medium dark complexion; she has no knowledge of the Choctaw language. Her knowledge of a compliance on the part of her ancestors with article 14 of the treaty of 1830 is based upon family history and tradition, and the records quoted in her mother's application, M C R 7053, and also quoted in this application.

W H Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 16th day of March, 1903, at Muskogee, Indian Territory, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

W.F.  
D.C.J.

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of:

George W. Smith, et al.,	7-D--87
Louanna Smith Terrell,	7---434
Elmer Terrell,	7-D-296.

:- D E C I S I O N -:

It appears from the census card record in this case that on October 20, 1898 George W. Smith appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Smith, and their children, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation; and that on October 20, 1898 Elmer Terrell appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood, of the Choctaw Nation. Further proceedings were had in this case at Muskogee, Indian Territory on October 16, 1902 and at Wister, Indian Territory on December 15, 1902.

It appears from the record herein that the applicants, George W. Smith, Mary E. Smith and Louanna Smith Terrell, were admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation approved October 20, 1877. The applicants, Mary D. Smith, Margurite Smith and George Smith, are the offspring of said George W. Smith and Mary E. Smith, and were born subsequent to the date of the act admitting their parents.

It appears from an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicants, Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, are identified on the 1896 Choctaw Census Roll, Tobuckay County, numbers 11314, 11315, 11317, 11318 and 11319, respectively, enrolled thereon as citizens by blood of said nation; and that the applicant, George W.

2.

Smith is identified on said roll, Tobuckey County, number 15041, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that none of the applicants had removed to and in good faith settled in Indian Territory on or before June 28, 1898.

It appears from the records of the Commission that the facts in this case are identical with the facts in the case of Olive B. Critz, daughter of the applicants, George W. Smith and Mary E. Smith, and sister of the applicant, Louanna Smith Terrell, and that the application of said Olive B. Critz for enrollment as a citizen by blood of the Choctaw Nation was denied by a decision of this Commission rendered March 26, 1903, which decision was affirmed by the Honorable Secretary of the Interior on May 23, 1903 (I.T.D. 4370-1903).

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws under the following provision of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant herein, George W. Smith, was on January 23, 1903 notified by registered mail that he would be allowed thirty days from that date within which to set forth that he claimed for his wife and children the right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case. Subsequently on March 16, 1903 application was made to this Commission for identification as Mississippi Choctaws of the applicants, Mary E. Smith, Mary D. Smith, Margurite Smith, George Smith and Louanna Smith Terrell. The rights of said applicants as Mississippi Choctaws are not passed upon in this decision.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tamo Bixby  
Chairman.

(SIGNED) T. B. Needles  
Commissioner

(SIGNED) C. R. Brockinridge  
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, D.C.

In the matter of the application for the enrollment of  
Mary E. Smith, et al as members of the Choctaw Tribe of Indians by  
blood.

Application for re-hearing and review.

To the Hon. Secretary of the Interior.

Comes now the applicants in the above  
styled and entitled cause and ask that the affidavits hereto attached  
be made a part of the Motion for re-hearing and review heretofore  
filed in said cause.

Bond & Melton

Henry W. Blair

Attorneys for Applicants.

Indian Territory,  
Southern District.

Adrian Melton, having first been duly sworn on oath states,  
that he is of lawful age, and that he did on the 18th day of January,  
1906, mail to Mansfield, McMurray and Cornish, attorney's for the  
Chickasaw and Choctaw Nations, a true and correct copy of this Mo-  
tion, together with a true and correct copy of the affidavits hereto  
attached, and that the registry receipt there to attached, in the  
registry receipt received from the said Mansfield, McMurray and  
Cornish, for the registered package containing a copy of this motion  
and a copy of the affidavits hereto attached.

(SEAL)

(signed) Adrian Melton

Subscribed and sworn to before me on this the 20th day of January,  
1906.

Notary Public.

(Registry receipt attached.)



DEPARTMENT OF THE INTERIOR/  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary E. Smith, et al, as citizens of the Choctaw Nation.

Indian Territory,  
Western District.

Mrs. E. A. Smith of lawful age having first been  
duly sworn, on her oath states, that she is a resident of Can-  
dian in the twelfth Recording District of the Indian Terri-  
tory, that she is not interested in the above styled and entitled  
cause; that she is well acquainted with the applicants herein,  
that she has been well acquainted with said applicants for 17  
years, that of her own knowledge said applicants removed to the town  
of Canadian in the Choctaw Nation, Indian Territory, on or  
about the 1st day of June 1889; that said applicants re-  
sided near the town of Canadian Choctaw Nation, Indian Territory,  
for several months, that the family afterwards removed to Fort Smith,  
Arkansas for the purpose of schooling and educating their children  
and that they continued to hold, own and control lands and property  
at Canadian in the Choctaw Nation, Indian Territory, for a period of  
15 years.

(signed) Mrs. E. A. Smith

Subscribed and sworn to before me on this the 15th day of Jan'y  
1906.

(SEAL)

(signed) Milton Herstein

Notary Public.

My Commission Expires Jan 27, 1909.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary E. Smith, et al, as citizens of the Choctaw Nation.

Indian Territory,  
Western District.

G. W. Newton of lawful age having first been duly  
sworn, on his oath states, that he is a resident of Canadian  
in the Twelfth Recording District of the Indian Territory, that  
he is not interested in the above styled and entitled cause;  
that he is well acquainted with the applicants herein, that he  
has been well acquainted with said applicants for 17 years, that  
of his own knowlege said applicants removed to the town of Canan-  
dian in the Choctaw Nation, Indian Territory, on or about the 1st  
day of June 1889; that said applicants resided near the town of  
Canadian Choctaw Nation, Indian Territory, for several months, that  
the family afterwards removed to Fort Smith, Arkansas for the pur-  
pose of schooling and educating their children and that they contin-  
ued to hold, own and control lands and property near Canadian in the  
Choctaw Nation, Indian Territory, for a period of 15 years.

(SEAL)

(signed) G. W. Newton

Subscribed and sworn to before me on this the 15 day of Jan  
1906.

(signed) Milton Herstein  
Notary Public.

My commission expires Jan 23, 1909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.,

In the matter of the application for the enrollment as  
Choctaw Citizens of Mary E. Smith, et al.

Indian Territory.

Western District.

Alex Cooper of lawful age having first been duly sworn on oath states, that he is a resident of the town of Canadian in the twelfth Recording District of the Indian Territory, that he is well and personally acquainted with said applicants and that he has been acquainted with said applicants for a period of 17 years, that as his own knowledge said applicants removed to the town of Canadian in the Choctaw Nation, Indian Territory, on or about the 1st day of June 1889; that said applicants resided in the town of Canadian, in the Choctaw Nation, Indian Territory, for several months, that the family afterwards removed to Fort Smith, Arkansas, for the purpose of schooling and educating their children and that they continued to hold, own and control lands and property near Canadian, Choctaw Nation, Indian Territory, for a period of 15 years.

Witness his mark

(signed) Alex his  
x Cooper,  
mark

Wirt A. Byars  
J. A. Milican

Subscribed and sworn to before me on this the 15th day of Jan'y  
1906:

(SEAL)

(signed) Milton Herstein  
Notary Public.

My Commission Expires Jan. 27, 1909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as  
Choctaw Citizens of Mary E. Smith, et al.

Indian Territory,  
Western District.

George W. Cooper of lawful age having first been duly sworn on oath states, that he is a resident of the town of Canadian in the twelfth Recording District of the Indian Territory, that he is not interested in the above styled and entitled cause; that he is well and personally acquainted with said applicants and that he has been acquainted with said applicants for a period of 28 years, that of his own knowledge said applicants removed near the town of Canadian in the Choctaw Nation, Indian Territory, on or about the 1st day of June 1889; that said applicants resided in the town of Canadian, in the Choctaw Nation, Indian Territory, for several months, that the family after wards removed to Fort Smith, Arkansas, for the purpose of schooling and educating their children and that they continued to hold, own and control lands and property near Canadian, Choctaw Nation, Indian Territory, for a period of 15 years.

(signed) George W. Cooper

Subscribed and sworn to before me on this the 15th day of Jan'y  
1906.

(SEAL)

(signed) Milton Herstein  
Notary Public.

My Commission Expires Jan. 27, 1909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary  
E. Smith, et al, as citizens of the Choctaw Nation.

Indian Territory,  
Western District.

Robt. F. Turner of lawful age having first been duly  
sworn, on his oath states, that he is a resident of Canadian in  
the twelfth District of the Indian Territory, that he is well  
acquainted with the applicants herein, that he has been well acquaint-  
ed with said applicants for 17 years, that of his own knowledge  
said applicants removed near the town of Canadian in the Choctaw  
Nation, Indian Territory, on the 1st day of June 1889; that  
said applicants resided near the town of Canadian Choctaw Nation,  
Indian Territory, for several months, that the family after wards  
removed to Fort Smith, Arkansas for the purpose of schooling and  
educating their children and that they continued to hold, own and  
control lands and property near Canadian in the Choctaw Nation, In-  
dian Territory, for a period of 15 years.

(signed) Robt. F. Turner

Subscribed and sworn to before me on this the 15th day of Jan'y  
1906.

(signed) Milton Herstein  
Notary Public.

(SEAL)

My Commission Expires Jan. 27, 1909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as  
citizens of the Choctaw Nation, of Mary E. Smith, et al.

Indian Territory,  
Western District.

Wiley A. Adams of lawful age having first been duly  
sworn, on his oath states, that he is a resident of Canadian in  
the twelfth Recording District of the Indian Territory, that he  
is not interested in the above styled and entitled case; that he is  
well acquainted with the applicants therein, that he has been well  
acquainted with said applicants for 17 years, that of his own  
knowledge said applicants removed to the City of Canadian in the  
Choctaw Nation, Indian Territory, on or about the 1st day of  
June 1889; that said applicants resided near the town of Cana-  
dian Choctaw Nation, Indian Territory, for several months, that the  
family afterwards removed to Fort Smith for the purpose of schooling  
and educating their children and that they continued to hold, own  
and control lands and property near Canadian in the Choctaw Nation,  
Indian Territory for a period of 15 years.

(signed) Wiley A. Adams

Subscribed and sworn to before me on this the 15th day of January  
1906.

(signed) Milton Herstein.  
Notary Public.

(SEAL)

My Commission Expires Jan. 27, 1909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation, of Mary E. Smith, et al.

Indian Territory,  
Western District.

William Milican of lawful age having first been duly sworn, on his oath states, that he is a resident of Canadian in the twelfth recording District of the Indian Territory, that he is not interested in the above styled and entitled case; that he is well acquainted with the applicants therein, that he has been well acquainted with said applicants for 17 years, that of his own knowledge said applicants resided near the City of Canadian in the Choctaw Nation, Indian Territory, on or about the 1 day of June 1889; that said applicants resided near the town of Canadian Choctaw Nation, Indian Territory, for several months, that the family afterwards removed to Fort Smith for the purpose of schooling and educating their children and that they continued to hold, own and control lands and property near Canadian in the Choctaw Nation, Indian Territory for a period of 15 years.

(signed) William Milican

Subscribed and sworn to before me on this the 15th day of January 1906.

(SEAL)

(signed) Milton Herstein.  
Notary Public.

My Commission Expires Jan. 27, 1909.

Indian Territory,  
Southern District..

To my certain knowledge, I swear on oath that Mary E. Smith and her children resided in good faith near Canadian Choctaw Nation, prior to June 28th., 1898. I was residing there at the time her residence, and to my certain knowledge Mary E. Smith has owned valuable improvements in the Choctaw Nation and has rented and leased same for many years. I have resided in the Indian Territory for thirty years and am personally acquainted with applicants father and mother, brothers and sisters.

(signed) F. P. Morgan

Subscribed and sworn to before me on this the 2nd day of Jan. 1906.

(signed) John H. Venobb

(SEAL)

Notary Public.

My commission expires Aug. 23d., 1909.

Indorsed:

Affidavit from F. P. Morgan of Chickasha, I. T., in the case of Mary E. Smith, et al.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation, of Mary E. Smith, et al.

Indian Territory,  
Southern District.

B. F. Hightower of lawful age having first been duly sworn, on his oath states, that he is a resident of Indianola in the twelfth Recording District of the Indian Territory, that he is not interested in the above styled and entitled case; that he is well acquainted with the applicants therein, that he has been well acquainted with said applicants for 17 years, that of his own knowledge said applicants removed near the City of Canadian in the Choctaw Nation, Indian Territory, on the 1st day of June 1889; that said applicants resided in the town of Canadian Choctaw Nation, Indian Territory, for several months, that the family afterwards removed to Fort Smith for the of schooling and educating their children and that they continued to hold, own and control lands and property near Canadian in the Choctaw Nation, Indian Territory for a period of 15 years.

(signed) B. F. Hightower

Subscribed and sworn to before me on this the 10th day of January 1906.

(SEAL)

(signed) S. M. Gold  
Notary Public.

My Commission Expires Feb. 10, 1908.

DEPARTMENT OF THE INTERIOR:  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens of the Choctaw Nation, of Mary E. Smith, et al.

Indian Territory,  
Wasteran District.

M. E. Hightower of lawful age having first been duly sworn, on her oath states, that he is a resident of Indianola in the twelfth Recording District of the Indian Territory, that she is not interested in the above styled and entitled case; that she is well acquainted with the applicants therein, that he has been well acquainted with said applicants for 17 years, that of her own knowledge said applicants removed near the City of Canadian in the Choctaw Nation, Indian Territory, for several months, that the family afterwards removed to Fort Smith for the of schooling and educating their children and that they continued to hold, own and control lands and property near Canadian in the Choctaw Nation, Indian Territory for a period of 15 years.

(signed) M. E. Hightower

Subscribed and sworn to before me on this the 16th day of January 1906.

(signed) S. M. Gold  
Notary Public.

(SEAL)

MY COMMISSION EXPIRES FEB. 19, 1908.

Indorsed:

Department of the Interior,  
Received Jan. 31, 1906  
Enc. No. 1 of No. 277.  
Indian Territory Division.

In Re Application of  
Mary E. Smith, et al.

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

In the matter of the application for enrollment of G. W. Smith, et al as members of the Choctaw Tribe of Indians by blood.

Application for re-hearing and review.

To the Hon. Secretary of the Interior.

Comes now Mary E. Smith, one of the applicants in the above styled and entitled cause, and represents to your Honor, that on October 20th, 1877 she was admitted to Citizenship in the Choctaw Nation by an act of General Council of said Nation; that on October 15th, 1904, the Commission to the Five Civilized Tribes held that your applicant should be denied citizenship in the Choctaw Nation; that on October 12th, 1904, the Indian Office recommended that the decision of the Commission to the five Civilized Tribes be approved; that the Department concurred in said recommendation and said decision was affirmed.

ASSIGNMENT OF ERROR.

For assignment of error your applicant alleges as follows:

First. The Commission to the Five Civilized Tribes erred in finding upon the evidence.

Second; The Commission to the Five Civilized Tribes erred in finding upon the law.

Third; For error of the Commission to the Five Civilized Tribes in finding that none of the applicants had removed to, or in good faith settled in the Indian Territory on or before June 28th, 1898.

Your petitioner represents that she did not testify at the original hearing before the Commission to the Five Civilized Tribes,

and that subsequent to said hearing application was made for the identification of the applicants as Mississippi Choctaws; that there will probably be a discrepancy between the testimony given by the applicant in the later application, and the affidavits made by the applicant in the motion for a re-hearing and review.

Your applicant represents that she did not understand the questions put to her in her examination before the Commission to the Five Civilized Tribes, and answered under the impression that unless she had resided here on June 28th, 1898, that under the law she had no residence here at all, and under said impression and acting under said understanding, perhaps stated that she had no residence, or had not resided in the Chickasaw or Choctaw Nations.

Your Petitioner further represents that had she fully understood the questions, she would have testified that she sold her property in the City of Fort Smith, in the state of Arkansas in the year 1889, and removed to and took up her residence in good faith as a member of the Choctaw Tribe of Indians, near Canadian, Indian Territory, where she continued to reside for several months together with her children; that she owned, property, land and improvements near said town of Canadian, Indian Territory, rented said land on June 28th, 1898.

Your applicant states that in case a new hearing is granted in the above entitled cause, that Joseph Toole, of Crowder City, Indian Territory, will testify, that said applicant had resided in the Indian Territory, prior to the time provided by law; that said witness resided near applicant, and knew that she removed and took up her residence in the Indian Territory. The original affidavit of said witness is hereto attached and marked exhibit "A".

Your petitioner further states that Inez Garland, in case a new hearing is granted in this cause, will testify that your applicant removed to the Indian Territory, and settled near Canadian City, prior to the time provided by law, the original affidavit of said witness is hereto attached and marked exhibit "B".

Your petitioner further states that John O. Toole, resided near your applicant when she lived in the Indian Territory, and will testify to the same. The original affidavit of said witness is hereto attached, marked Exhibit "C".

Your petitioner further states that her original affidavit is hereto attached and marked exhibit "D".

Wherefore your petitioner asks that said cause be sent back to the Commission to the Five Civilized Tribes for a re-hearing and review, and that on final hearing your applicant and the other applicants in the above styled and entitled cause, be enrolled as members of the choctaw tribe of Indian by blood.

(signed) Bond & Melton

Attorney's for Applicant.

Mary E. Smith, having been first duly sworn, on oath states, that she is one of the applicants in the foregoing petition, that she has read the same and that the facts and allegations set forth therein, are to the best of her knowledge and belief true.

(signed) Mary E. Smith

Subscribed and sworn to before me on this the 13th day of September, 1905.

My commission expires on the 29th day of May 1909.

Signed: H. B. Wier

Notary Public.

(SEAL)

Exhibit "A"

INDIAN TERRITORY, SOUTHERN DISTRICT  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CITIZENS OF  
THE CHOCTAW NATION OF G. W. SMITH, et al.

Joseph Toole having been first duly sworn on oath states,  
that he is a member of the Choctaw tribe of Indians by blood, duly  
enrolled as such; that he is the Brother of Mary E. Smith, an appli-  
cant in the above styled and entitled cause.

Affiant further states that he is a resident of Crowder  
City Indian Territory; that his sister Mary E. Smith, in the year  
1889 with her children removed from Fort Smith, Arkansas and estab-  
lished her residence at Canadian, Indian Territory, where she resid-  
ed for several months period of time, that she continued to hold,  
own and control her land and other properties at Canadian, Indian  
Territory, for a period of about fifteen years;

Affiant further states that his said sister, Mary E.  
Smith, on June 28th, 1898 was holding, owning, leasing, renting  
and controlling said property at Canadian, Indian Territory.

Joseph Toole

Subscribed and sworn to before me on this the 4 day of August,  
1905.

My commission expires on the 22 day of Dec 1907.

(SEAL)

J. D. Lignor  
Notary Public.



Exhibit "B"

Indian Territory.

Southern District.

Inez Garland on oath states that she is a sister of Mary E. Smith an application for identification as a citizen by blood of the Choctaw Nation, in the Indian Territory; that the said addiant is duly enrolled as a citizen by blood of the said Choctaw tribe of Indians Territory and has selected and filed upon her allotment of the lands of the Choctaw and Chickasaw Nation; affiant states that in the year 1889, her sister Mary E. Smith sold her home property in Arkansas and together with her children removed to the Indian Territory, and settled near Canadian, made her home there in good faith for a period of several months, improved land and established a home and afterwards returned to Arkansas in order to educate her children.

Affiant further states that after the said Mary E. Smith returned to the State of Arkansas she continued from time to time to visit her home in the Indian Territory, and continued to, use, occupy, improve and collect rents from the lands which she had settled, and on the 28th day of June 1898 the said Mary E. Smith owned improvements upon, used, occupied and rented said lands in the Choctaw Nation and has so continued.

(signed) Inez Garland

Subscribed and sworn to before me this the 28 day of August 1905.

(signed) A. O. Meeton  
Notary Public.

(SEAL)

My commission expires the 29 day of March 1909.

Exhibit "C"

INDIAN TERRITORY, SOUTHERN DISTRICT  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CITIZENS OF  
THE CHOCTAW NATION OF G. W. SMITH, et al.

John O. Toole having been first duly sworn on oath states, that he is a member of the Choctaw tribe of Indians by blood, duly enrolled as such; that he is the Brother of Mary E. Smith, an applicant in the above styled and entitled cause.

Affiant further states that he is a resident of Canadian Indian Territory; that his sister Mary E. Smith, in the year 1889 with her children removed from Fort Smith, Arkansas and established her residence at Canadian, Indian Territory, where she resided for several months period of time, that she continued to hold, own and control her land and other properties at Canadian, Indian Territory, for a period of about fifteen years;

Affiant further states that his said sister, Mary E. Smith, on June 28th, 1898 was holding, owning, leasing, renting and controlling said property at Canadian, Indian Territory.

John O. Toole

Subscribed and sworn to before me on this the 2 day of August, 1905.

My commission expires on the \_\_\_ day of Ma 190\_\_.

(seal)

(signed) Virgil A. Pipkins  
Notary Public.

My commission expires August 1st. 1906.

Exhibit "D"

State of Arkansas.

County of Sebastian.

Mary E. Smith, who is an applicant for identification as a citizen by blood of the Choctaw tribe of Indians in the Indian Territory, on oath states that in the year 1889 she sold her home property in the city of Ft. Smith and State of Arkansas and removed to, and took up her residence in good faith as a member of the said Choctaw tribe of Indians, near Canadian, Indian Territory, where she continued to reside for several months together with her children; that she owned property, land and improvements near the said town of Canadian, Indian Territory, in common with her brothers and sisters; that she rented, leased and controlled the same for a period of many years thereafter, and that she owned improvements upon, controlled, leased and rented said lands on the 28th day of June, 1898.

Affiant further states that she returned to Ft. Smith Arkansas for the purpose of educating her children, and upon returning to Ft. Smith, she continued to improve, rent, lease and control the lands and improvements situated thereon, and never surrendered the same to any one.

(signed) Mary E. Smith

Subscribed and sworn to before me this the 30th day of September 1905

(SEAL)

(signed) H. B. Wier  
Notary Public.

My commission expires 29th day of May 1909.

Indorsed:

No. \_\_\_\_\_  
Department of the Interior.  
Washington.  
In the Matter of the Application  
of G. W. Smith et. al. for Citizenship in the Choctaw Nation.  
Motion for re-hearing and review.

Indian Office,  
90426 1905  
Incl. No. 3.  
Department of the Interior  
Received Dec. 21, 1905.  
Encl. No. 10 of No. 17844  
Indian Territory Division.

Muskogee, Indian Territory, March 28, 1899.

Elmer Terrell, Esq.,

Chickasha, Indian Territory.

My dear sir:

Yours of the 25th just received. I advise that you re-marry under the Choctaw law, if you desire to be enrolled as an int r-married Choctaw citizen. This will settle the question as to your right to such enrollment.

With very kind regards to yourself and your lady, I am,

Sincerely your friend,

A. S. McKennon

Commissioner.

INDIAN TERRITORY ) ss  
SOUTHERN DISTRICT.)

I, D. N. Garland, as acting power of attorney for Dr. G. W. Smith and Mary E. Smith and family, do on oath state that I am personally acquainted with Dr. G. W. Smith and Mary E. Smith, the latter being the sister of my wife. And I hereby state, on oath, that said parties were admitted by the Choctaw Council as citizens of the Choctaw nation in October 20th, 1877 and have been carried on the rolls from 1877 to 1896.

I hereby certify that Mary E. Smith has been a land holder in the Choctaw Nation since 1890. This land is situated two miles south of Canadian, I. T., Choctaw Nation, and to my certain knowledge she has been collecting her rent annually therefrom for many years.

Some years ago they selected allotments, for their family, ten miles north of Chickasha, I. T., which I have been managing for them.

(signed) D. N. Garland

Subscribed and sworn to before me his the 15 day of April, 1903.

(signed) B. B. Barefoot  
Notary Public.

(SEAL)

My commission expires  
October 23, 1905.

Indorsed:

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Filed Apr. 20, 1903.  
Tams Bixby, Chairman.

South McAlester Ind. Ter. September 11, 1901.

Mr. Louanna Smith Terrell

Chickasha Indian Territory.

Dear Madam:

There has been and will be no protest or objection, so far as the Choctaw and Chickasaw Nations are concerned, to your enrollment as a citizen of the Choctaw Nation by blood.

very respectfully,

Mansfield, McMurray & Cornish

Dictated.

Upon this 12th day of September A. D. 1904 personally appeared before me the undersigned authority, Elmer Terrell, who upon oath states that the above letter is an exact copy of a letter which his wife Louanna Smith Terrell has received from Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

(signed) Elmer Terrell

Subscribed and sworn to before me on this 12th day of September A. D. 1904.

(signed) B. B. Barefoot  
Notary Public.

Dawes Commissioner

Please file this letter with other records in my case.

Louanna Smith Terrall

Choc. # 434.

Indorsed:

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Filed Sep. 20, 1904.  
Tams Bixby, Chairman.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 18, 1906.

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In the matter of the application for the enrollment of  
George W. Smith, et al., as citizens of the Choctaw Nation, consoli-  
dating the applications of

George W. Smith, et al.,  
Louanna Smith Terrell,  
Elmer Terrell,

7-D-87  
7-434  
7-D-296.

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It appears from the record in this case that on October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision in the matter of the above applications, wherein the applicants were denied enrollment to citizenship in the Choctaw Nation, by virtue of the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), said applicants being on June 28, 1898, non-residents of Indian Territory.

On July 19, 1905 (I.T.D. 11612-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the applications of the above named applicants.

On January 31, 1906, there was filed with the Department a motion filed by Henry W. Blair, of Washington, D. C., and Bond & Melton, of Chickasha, Indian Territory, supported by proper affidavits, requesting that a rehearing be granted and an opportunity be given to procure additional evidence in proper form in support of the applications for the enrollment of the applicants as members of the Choctaw tribe of Indians.

On March 13, 1906 (I.T.D. 83, 235, 1277-1906), the Department rescinded its action of July 19, 1905, and requested this office to reopen said case for a further hearing, touching the residence and property interests of the applicants herein.

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APPEARANCES: The applicants, Mary E. Smith, Louanna Smith Terrell, and Elmer Terrell, appear in person.  
R. Bond of Bond & Melton, attorneys at law, Chickasha, Indian Territory, appears on behalf of the applicants.  
No appearance on behalf of the Choctaw and Chickasaw Nations.



J. Y. TOOLE, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name, please? A J. Y. Toole.  
Q How old are you? A I am forty-four.  
Q Your residence? A Crowder City, Indian Territory.  
Q Are you related to any of the applicants in this case?  
A Yes sir, a brother to Mrs. Smith.  
Q Brother of Mary E. Smith? A Yes sir.  
Q Are you a recognized and enrolled citizen of the Choctaw Nation?  
A Yes sir.  
Q Received your allotments of lands? A Yes sir.  
Q Where was Mary E. Smith born? A In the state of Alabama.  
Q You were born there also? A Yes sir.  
Q Do you remember what year she was born in? A No I couldn't tell you.  
Q Do you know the name of her husband? A George W. Smith.  
Q Was Mary E. Smith married to George W. Smith in Alabama?  
A Yes sir.  
Q What year did Mary E. Smith leave the state of Alabama?  
A Well, I was a boy at that time. I think it was '72.  
Q Where did they remove to? A State of Arkansas.  
Q What place in Arkansas? A Van Buren; near Van Buren.  
Q How long did they live there? A Well, several years. I don't know just the number of years, but several years.  
Q As much as ten years? A No, I think not.  
Q Were they living at Van Buren, Arkansas, when the Choctaw Council passed an Act admitting Mary E. Smith and her children as citizens of the Choctaw Nation? A Yes sir.  
Q They were living at Van Buren at that time? A Near Van Buren. I believe at a place called Alma.  
Q When did you remove from Alabama? A At the same time, '72.  
Q Did you remove to Alma, Arkansas? A Yes sir, in that section of the country.  
Q You were also admitted by the same act of the Choctaw Council which admitted your sister? A Yes sir.  
Q Have you an idea how long you lived in the neighborhood of Alma after you removed there? A Well, no I don't. Between something like--  
Q Let me ask you this question. How long after the passage of that Act of Council before you removed to the Indian Territory?  
A Well, I don't remember how long I have been in the Territory.  
Q How long have you been in the Territory? A Between twenty-five and thirty years. My father lived over there in the state of Arkansas, it seems to me, about eight years.  
Q As to Mary E. Smith, about how long did she live there at Alma?  
A Well, I am not prepared to say; several years; she finally moved to Fort Smith.  
Q Did she remove from Alma to Fort Smith? A Yes sir.  
Q Do you know what year she removed there? A No, I don't.  
Q Has Mary E. Smith ever lived in Indian Territory? A Yes sir.  
Q When was the first time she ever removed there?  
A Well, I couldn't say when she came the first time. My father had come here and was living in the Territory. When she made her first visit, she came through in a wagon. It must have been twenty-six or twenty-seven years ago.

- Q That is the time she removed from Alma to Fort Smith?  
A Yes, she was living at Alma, Arkansas, at that time.
- Q Where was your father living then? A My father was in the Territory.
- Q Whereabouts? A Near Canadian; about two and one-half or three miles from Canadian, in the Choctaw Nation.
- Q Can you tell me how long Mary E. Smith lived in Fort Smith?  
A No, I can't.
- Q Do you know anything about the residence of your sister, Mary E. Smith? A At this time?
- Q Where she has resided in the last fifteen years?  
A I don't know how long she lived in Fort Smith.
- Q Do you know of your own knowledge where Mary E. Smith has resided in the last fifteen years? A She has lived at Fort Smith the greater portion of the time. I know when she moved from Fort Smith.
- Q To where? A Indian Territory.
- Q When was it? A It was in '89 when she sold out her home and came to the Territory.
- Q Where did she come to? A She moved to Canadian on my father's premises.
- Q On your father's place? A Yes sir.
- Q How long did she remain there? A She remained there from--- I don't know just when she landed there--the latter part of May or first of June and she remained there, as well as I remember, until about the last of September, and moved back to Fort Smith, again.
- Q During that time did she acquire and property interests in the Choctaw Nation? A Yes sir.
- Q Of what did they consist? A It consisted of three claims, one for herself, and one each for two children.
- Q Where were these claims located? A They were located there two miles and one-half and four miles of Canadian, about that distance.
- Q Do you know from whom she purchased them? A No. She didn't purchase them. They were selected.
- Q Didn't buy them? A No sir.
- Q Unimproved land? A Yes sir.
- Q Public domain? A Well, there was one place that I believe had a house built on the place, the first place my father turned over to her, and the other places she improved afterwards.
- Q At the time she came there, there were no improvements only on one place which belonged to your father? A Yes sir.
- Q Who gave her this place? A He gave her that place.
- Q What were the improvements on this place? A No thing only a house; no improvements on the land.
- Q What kind of a house? A Log house, one room.
- Q Did she bring her children with her at that time? A Yes sir.
- Q What were their names? A Anna and Ollie.
- Q Is Anna, Louanna Smith Terrall? A Louanna Smith.
- Q They removed to the Territory in May of '89, you say?  
A The latter part of May or the first of June.
- Q And remained until the first of September? A The last of September.
- Q Did she not maintain the improvements on this place?  
A They were on the way then.

- Q What had been done? A Well, they were improved in the form of a lease, as well as I can explain it, it being at that time we couldn't lease as we do now. We only leased from one year to another; gave a man first authority to build a house. The house was built and then afterwards we let a man have one year at a time, and he improved the land.
- Q Did she at this time expend any money on these improvements?
- A No thing more than the rents. My father gave her this place.
- Q Where would the rents come from on an unimproved place?
- A The first place, he got houses built and paid for them.
- A Who paid for them? A My father did. Then he would get a man and give him so many acres to clear and so much land. Then gave him what he could make on that ground from one year to another.
- Q Was your father doing this in his own behalf? A He had me as his agent. He was old and feeble.
- Q Mary E. Smith had nothing to do with it whatever?
- A Well, yes, she understood how it was. I was having the place improved for her. She came out once a year.
- Q Who furnished the money to build this house? A My father did that.
- Q How many years did you have this claim leased under these conditions? A Well, we handled this place while we had charge of it in that way.
- Q Well, how many years? A Well, this place I had charge of in that way, I suppose, until 1904.
- Q During that time had you been collecting rents off of those places? A Yes sir.
- Q Did you ever make an accounting of that money you received?
- A Yes sir.
- Q To whom? A To her.
- Q How much did you pay her? A I am unable to tell you. I didn't keep a record. My way of improving this place was simply to have some man who would come to this place and make rails and improve the land.
- Q Do you mean to say you had been renting this place for twenty-five years and turning the rents back into the place?
- A Yes, most of the rents went for improvements on this place.
- Q What was the last year you had any supervision over this place?
- A 1904.
- Q Who was on that place the last year? A Cooper.
- Q What was his first name? A Elisha Cooper.
- Q Where does he live now? A He is dead.
- Q Did you have control of the land after leasing it to him?
- A Just partial control, consisting of placing the improvements on the place.
- Q For twenty-five years? A No, he was not on the place for twenty-five years. The old fellow died.
- Q During this time did you ever turn over to Mary E. Smith any money as a result of the leasing of this land? A Yes sir.
- Q When did you turn over the last money? A My brother and myself were both acting as her agents. I couldn't state the time.
- Q What year? A We have never had a final settlement yet.
- Q Do you claim to be indebted to her? A I think there is some money yet.

- Q Why is it you have not had a settlement all these years?  
A Well, she simply left it to me, for the purpose of locating the improvements.
- Q Has she made any inquiries during this time as to what was done on these places? A Yes, she comes out once a year. Comes on her places and looks over them.
- Q Has she got a husband? A Yes sir.
- Q Isn't he a capable business man? A Yes sir.
- Q How is it he hasn't anything to do with this? A Well, her husband was a physician and had his office in Fort Smith, and he never even moved here with her at that time. He came in the fall after my father located this place for her and had some improvements put on this place. He didn't come out when she did during the summer season. He stayed at his office.
- Q He never had any interest in his wife's holdings?  
A He didn't so far as the selection of this land was concerned.
- Q And the conduct of these places after their selection?  
A I don't believe he was over the places after they were selected.
- Q Well, since 1889, when Mary E. Smith was here for a period of about three months, has she been here since that time?  
A Yes sir.
- Q State when? A As well as I remember, she came out every year.
- Q Came out alone? A Well, sometimes she would bring the children with her if they were not in school.
- Q Do you know why she returned to Fort Smith in September '89?  
A Yes sir.
- Q Why? A Her husband came out, and after looking over the country, and looking up a suitable place for his profession, he just informed her his practice was in Fort Smith, and the hospital was there and his patients had to come to him, and he had to school the children.
- Q Who were their children at that time in '89? A In '89. I am unable to tell you about the children in '89.
- Q How many did she have at that time? A I am unable to tell you.
- Q Isn't it a fact that her husband's profession caused her to remove to Fort Smith, and the primary cause was not wanting to school her children? A The fact of that is, he says, "We have got to school our children. You have no schools here. Lets go back to school our children."
- Q How old was the oldest child at that time? A Well, the oldest child is Mrs. Terrell.
- Q How old was she at that time? A I don't know what her age is.
- Q Well, you could judge by her appearance? A She is a married lady. At that time she must have been fifteen or sixteen years of age.
- Q How long after Louanna Smith Terrell and her mother returned to Fort Smith did she marry? A I don't know what year she married.
- Q Was she not married in '89? A No, in '89 she was not married.
- Q You don't remember the names or ages of any of the children who accompanied their mother to Canadian in '89? A In '89. No, I don't. There was Anna and Ollie.
- Q Is Ollie, Ollie Critz, now? A Yes.
- Q Do you recollect any others, if there were any? A My father only selected allotments for Mrs. Smith and two children.

- Q One was for Louanna Smith Terrell? A One was for Louanna Smith Terrell and the other for this other girl, Ollie.
- Q Now, you claim to have supervised these claims, one belonging to Louanna Smith Terrell, during these last fifteen years?
- A Yes sir.
- Q During that time have you been acting as agent for Louanna Smith Terrell? A Now, I don't know what place was specified for her. My father never specified what place should be for Louanna Smith Terrell. He only specified one place for Mary. He told me to improve the Cooper place as he had given it to Mary. At that time we had no section lines to govern us, but could locate our claims and no one else could come in a quarter of our line, and as I stated he being in feeble health, he told me to locate five claims, one for Mary Smith, one for each of two children, and one for each of two boys, his grandchildren, and he had one for himself, one for myself, and one for my mother, but he never did specify only one place which he said should be Mary's place, and the other for the children.
- Q Well, you claim that one claim belonged to Louanna Smith Terrell?
- A Yes sir.
- Q And you have been exercising supervision over her place?
- A Yes sir, been looking after it.
- Q Under whose authority have you been doing this?
- A Well, I was only superintending the improvements on this place of hers.
- Q Did you have any authority from Louanna Smith Terrell to act in the capacity of agent for her? A No sir.
- Q Has Louanna Smith Terrell ever lived in Indian Territory since her removal back to Fort Smith with her mother? A Yes sir.
- Q When? A Well, I could not say when she moved from Fort Smith to the Indian Territory.
- Q How many years ago? A I think after she was married. I don't know, now.
- Q She didn't remove to Indian Territory until after she was married? A She came with her mother.
- Q Well, after she went to Fort Smith with her mother?
- A She came back to the Territory.
- Q Has George W. Smith, at any time, resided in the Indian Territory?
- A He only came out here in the fall of '89. He was here a few days.
- Q State just how many days? A I don't remember how many days he was here, whether it was a few days or a few weeks.
- Q Has he ever owned any property in the Indian Territory?
- A Well, as to whether he ever selected any allotment, I can't say. My father didn't select anything for him, only selected for his wife and children, but as for the husband, himself, no selection was made.
- Q Has he ever made his home in Indian Territory?
- A He came here after his wife came in the fall.
- Q You don't remember how long he stayed? A No, I don't.
- Q Did he stay longer than a month? A Well, I couldn't say.
- Q Did he stay two months? A I don't know.
- Q Did he stay six months? A No, he wasn't here six months.
- Q Since that time has he ever made his home in Indian Territory?
- A He moved back to Fort Smith.
- Q And has lived there ever since? A Yes sir, lived there ever since.

- Q Doesn't he own property in Fort Smith? A I think he does, yes sir.
- Q Does he own his home? A I couldn't say.
- Q Does he own his business property? A I think he does.
- Q He is a physician, is he not? A Specialist.
- Q He exercises the right of citizenship in the state of Arkansas, does he not? A I don't know.
- Q Does he ever vote at municipal elections? A Not as I know of.
- Q Do you know Elmer Terrell? A Yes sir.
- Q Where does he live? A He lives in the Chickasaw country-- Chickasha.
- Q You are well acquainted with him? A Yessir.
- Q How long has he been there? A Been there several years.
- Q Lived there before he married Louanna Smith?
- A No, he lived at Fort Smith.
- Q You have no idea as to the date of their marriage? A No, I haven't.
- Q As to Mary E. Smith, you state I believe, that she, since '89, has made occasional trips to the Territory? A Yes sir.
- Q Do you know how often these visits occurred? A Every year, as well as I remember.
- Q Was she out last year? A Yes, I guess she was there last year.
- Q You are positive she was there every year? A I don't remember her missing a year.
- Q Just came out to spend a week or so every summer? A Well, she always called it home.
- Q Are your parents living? A No sir.
- Q Has she during this time you have supervised this claim, which you claim to have held with authority, given you any instructions relative to the conduct of this place?
- A Why, we talked concerning it, and she asked my how I was getting along, but always left it to me.
- Q You did just as you pleased with them, did you not?
- A She seemed to be perfectly satisfied, but sometimes she would make suggestions.
- Q When did your father die? A I believe my father died in '91. I am not positive.
- Q Did he leave an estate? A Yes sir.
- Q Was it probated? A What do you mean by "was it probated"?
- Q Well, was the property divided? A Yes sir.
- Q Did you get part of it? A I got part of it.
- Q Well, do you know of what his estate consisted at the time of his death? How many claims did he have? A He had two.
- Q What became of the claim he had, if he had this house and these claims? A We sold these claims. Well, I believe we sold one of them, and the other is let out.
- Q Who sold these claims? A My brother and myself.
- Q When? A Since his death, we have been winding it up.
- Q What claims did you sell? A His home place where my mother resided.
- Q Did you retain the three claims for Mary E. Smith and her children until 1904? A Yes sir.
- Q Then what became of them? A Well, all of the claims have all been filed on and allotted by different people.



- Q Why didn't you sell the improvements on the claims of your father and mother? A I did. We sold the improvements and one of the claims of my father and mother.
- Q Did you sell the improvements on the place of Mary E. Smith?
- A No sir.
- Q What became of them? A They are on the place yet.
- Q Has the land been filed on? A Yes sir.
- Q With your permission? A No sir, not with my permission.
- Q What about the other claims of the two children? A It has been filed on.
- Q With your consent? A No sir.
- Q With what authority were you exercising any control over the claims of the two children? A With the authority of my father and my sister.
- Q What authority did you have when these girls were married?
- A Well, I am unable to answer that question.
- Q They did not give you these instructions did they?
- A These girls didn't, no sir.
- Q Now, is Louanna Smith Terrell's husband a man of intelligence?
- A Yes sir.
- Q Able to transact his own business? A Yes sir.
- Q He has done nothing in the matter? A Not as to improvements in the Choctaw country.
- Q You stated that you exercised jurisdiction over these three claims until 1904? A Yes sir.
- Q At that time, of what did the improvements on these claims consist? A Well, they consisted of houses, barns, wells, cisterns, fences, cleared lands---
- Q Did each claim have each of these things enumerated?
- A Well, no, this particular claim of hers did.
- Q Well, how about the claim held for Louanna Smith Terrell?
- A Well, I don't know just what claim was held for her. My father never specified only one claim for Mrs. Smith.
- Q Were they all embodied in one claim which was held by Mrs. Smith?
- A No sir.

By Mr. Bond:

- Q Mr. Toole, do you remember the date that Dr. Smith sold his home and household furniture in Fort Smith, Arkansas? A It was in '89.
- Q Did Mrs. Smith and her family continue to live in Arkansas after they sold their home in Fort Smith? A No sir, they moved to the Territory.
- Q In what year? A That was in '89.
- Q To what part of the Territory did they move? A They moved near Canadian; two and a half or three miles of Canadian, in the Choctaw Nation.
- Q What property interests, if any, did Mrs. Smith acquire at that time she removed to the Indian Territory? A In the Territory?
- Q Yes sir? A Well, three homesteads, one for herself, and one each for two children.
- Q Did two children remove with her to the Indian Territory at that time? A Yes sir.
- Q What were their names? A Anna and Ollie.
- Q Were they minors or adults? A As well as I remember, the older one was about sixteen. The other was younger.



By the Commissioner:

Q Which one is the older? A Anna is the older. She was about fifteen or sixteen, as well as I remember.

By Dr. Bond:

Q Did you have any conversation with your sister when she removed to the Territory? A Yes sir, I did.

Q Did you have any conversation relative to her making her home in the Indian Territory at that time? A Yes sir, I did.

Q State what that conversation was? A The conversation was that she had sold her interests in Fort Smith, and had moved to the Indian Territory to make this her home, "and we want to get our allotments, and want you to assist me in selecting them."

Q Did you agree to assist her in selecting them? A I did, yes sir.

Q Did your father also agree to assist her? A My father selected the allotments and told me to make the improvements.

Q These claims then were selected in the interest and at the request of Mrs. Smith for herself and children? A Yes sir.

Q How long did Mrs. Smith reside in the Indian Territory at that time? A She only remained here, as well as I remember,--- she came the latter part of May or the first of June, and remained here until the latter part of September.

Q Did Dr. Smith remove from Arkansas at the same time Mrs. Smith and the rest of the family did? A No sir, he did not.

Q He came later did he? A He came later in the fall.

Q Did Dr. Smith and Mrs. Smith ever have any conversation with you in regard to her going to move back to Arkansas?

A Well, yes. The whole conversation was talked there at my father's, and I talked with them, yes sir.

Q You were present at the time that conversation was had?

A Yes sir.

Q Just state as near as you can the conversation that took place at that time? A He says to this effect: "Mollie how are we to school our children." (The country was not thickly settled, and the closest neighbors were three or four miles, and we had no schools.) "Select your lands--well, you have selected your land--and let your father look after your interests here, and lets go back and finish schooling the children", and she agreed and went back.

Q Well, during the summer or vacation months, did Mrs. Smith and her children reside in Fort Smith, or come back to the Territory? A If the children were in school they didn't come, but if not, she brought them with her.

Q Well, during these years has she had children continuously in school at Fort Smith? A Yes sir. She has children in school now.

Q Her husband was a professional man I believe you said?

A Yes sir.

Q What was his speciality? A The eye, ear, throat and nose.

Q Was there an opening in that part of the Indian Territory for a specialist at that time? A Well, I wouldn't think so. We had no towns. I believe Canadian consisted of a sort of a box car for a depot, and one little store.

- Q How long did your father live after Mrs. Smith removed to the Indian Territory? A My father died, as well as I remember, in '91.
- Q What lands and improvements did he possess at the time of his death? A Well, all the improvements he had on this land were not appraised at very high value. What he himself had and my mother had was prairie land worth about five dollars.
- Q They held two claims, one for your father, and one for your mother? A Yes sir.
- Q They were both improved? A Yes sir.
- Q You state that you disposed of one of these claims after the death of your father? A Yes sir.
- Q Was that money divided between the heirs? A Yes sir.
- Q What did you do with the claim designated as your mother's? A Well, I don't know which was my mother's.
- Q Well, what became of the claim? A They have been filed upon.
- Q Did you, as Mrs. Smith's agent, or any one ever dispose of the land she had selected? A No sir, I never disposed of it.
- Q It was filed on by other parties? A Yes sir, some of it was filed a few months back.
- Q You continued to look after the place in connection with your brother until after the opening of the Choctaw Land Office?
- A Yes sir.
- Q You continued to collect rents from this place until after they were selected in allotment by other parties, did you?
- A Yes sir.
- Q You state that after '89, Mrs. Smith came out from Arkansas with her family and resided on her lands? A Sometimes she brought her family. If the children were in school, she left them in school.

By the Commissioner:

- Q She didn't bring these two girls after they were married, did she? A Well, the girls came out several times after they were married, but I don't remember what years they came out.
- Q Your father, you state, built two houses on these claims after they were selected? A Yes, for two of the claims he had houses.
- Q Did you ever get anything from these claims that was paid by Mary E. Smith to your father's estate? A No, I guess not. I guess he gave her this place.
- Q Did you have a separate claim for yourself in '89?
- A Yes sir.
- Q In connection to any of these places you mention?
- A No sir, I selected my own land.
- Q Have you ever paid Mary E. Smith any rent from this land?
- A Yes sir.
- Q When did you make the last payment to her? A In 1904.
- Q You turned some money over to her then? A Yes sir.
- Q Did you turn any over in 1903? A Well, I couldn't say. I had my settlements with the renters all along.
- Q Did you turn any over in 1902? A I did in improvements.
- Q Have you ever turned anything over to her in the form of money?
- A Yes sir.
- Q When? A I couldn't tell just what years.

- Q Well, how many years ago? A Well, this was all turned over to me. It seems she had confidence and trusted me with these improvements, and just went to work on the place and had a man to work the place and make rails and build a barn. I taken it out of the rents and settled with them, and she understood it.
- Q I want to know whether or not you have paid her any money---any cash? A She has been getting money all along, but I couldn't tell you what years.
- Q When was the last time you paid her any money as a result of the income from this land? A I couldn't state, sir, what years I turned her any money, because if there was more improvements upon the place than there was rents, it went on until the next year.
- Q Did you keep any account of the expenses of the places? A Yes, I kept books.
- Q Have you these books now? A No sir, I haven't.
- Q How are you to make a settlement with her? A Well, I don't suppose there is any money to pay.
- Q How do you know that you are not indebted to her? A Well, I am certain I am not indebted to her as there were no proceeds from the place.
- Q Did you manage to always keep this account balanced? A Yes, sir, I did, with the man on the place.
- Q Has it been ten years ago since you paid her any money? A Well, it may be that she has got money since that time.
- Q Has she got any from you since that time? A Well, my brother did the corresponding with her.
- Q You didn't have anything to do with it? A My brother did that. He was situated in business, and I being a stock man, he did the corresponding.
- Q Didn't you know what became of the money from this place? A Yes, I didn't go into details every time I made a settlement with the man on the place.
- Q Do you know whether you paid her any money in the last ten years? A Why, yes, she has got money in the last ten years.
- Q As income from that place? A Yes.
- Q Did you turn over the rents from the place to her? A I kept the rents in the place by improving it.
- Q And you didn't turn any cash over to her directly? A The money was got out of the estate--my father's estate.

By Mr. Bond:

- Q What did you do with the balance? A I just put it on the place.
- Q Well, suppose the rent money was more than the improvements? A I never paid anything out; put that back in the place.

By the Commissioner:

- Q Then your answer as to whether or not you had paid any actual money over to her would be "No"? A Only from the other resources.

(Witness excused).

G. W. NEWTON, being first duly sworn, testified as follows:

Examination by the Commissioner:

Q What is your name? A Newton--G. W.  
Q Your age? A Forty-seven.  
Q Postoffice? A Canadian.

By Mr. Bond:

Q Are you a member of either the Choctaw or Chickasaw tribe of Indians? A No sir.  
Q You now reside at Canadian? A Yes sir.  
Q How long have you been living there? A Why, in Canadian I suppose about eighteen years this month.  
Q Are you acquainted with Mrs. Mary E. Smith and Louanna Smith Terrell, applicants in this case? A Yes sir.  
Q How long have you known them? A Since 1888 or '89; somewhere in that neighborhood.  
Q Where did you first meet them? A At Mrs. Smith's father's.  
Q In what year? A Why, it seems to me they were there in '88 or '89. It was about '89, I know.  
Q Do you know whether or not she acquired any property rights in Indian Territory at that time near Canadian? A Yes sir, I think so. I think her father gave her a place he had improved.  
Q Did you hear her father say he had given her a place there?  
A Yes sir.  
Q Do you know how long she remained in Indian Territory at that time? A Well, no sir, not exactly, but quite a while though.  
Q Do you know whether or not they continued to visit in the Indian Territory during the summer months from time to time?  
A I don't know as to that, but they was out. I think she came back several times.  
Q Was her daughter, Louanna Smith, with her at that time?  
A If I remember right, there were two children.  
Q Do you know how long she held her lands near Canadian?  
A I guess she holds them yet, as far as I know.

By the Commissioner:

Q Are you related to any of the applicants in this case?  
A No sir.  
Q How did it come about that Mr. Toole informed you he had given Mary E. Smith a place? A Well, I had charge of a tank down there. He visited my place very often, when he came down there fishing quite often, sometimes three or four times a week, and I went home with him several times from there, and he introduced me to his daughter from Fort Smith, who had come to make her home in the Territory at Mr. Toole's house; that is, Mrs. Smith's father.  
Q How long was she there? A Well, sir, I don't know just how long.  
Q As much as six months? A Possibly longer. She was there several months. She may have been there for a year. She was there when I went there.

- Q After all you know, she may have been there two or three years?  
A No sir, she wasn't there that long.  
Q Were you ever informed by any members of the family at that time that she had had claims selected for the children?  
A Yes sir, I have. Father Toole pointed out the place he had given to his grandchildren.  
Q Did he point out to you a claim he had selected for Louanna Smith Terrell? A Yes sir, I think he did.  
Q Where was that located in reference to his home place?  
A Nearly west from where he lived.  
Q How far west? A About three-fourths of a mile.  
Q Did he point out to you a claim he had selected for Ollie Critz?  
A Why, I believe so. He pointed out places he was going to give to Mrs. Smith and her daughters.  
Q He had started to improve these claims he had given Mrs. Smith and Louanna Smith Terrell and Ollie Critz? A Yes sir, there were improvements on them at that time.  
Q Of what did the improvements consist on the Mary E. Smith place?  
A Well, on her place, they consisted of a house and well.  
Q What improvements on the Louanna Smith Terrell claim?  
A Well, I don't know what was on that. A cabin had just been built it seems to me. There was a man on there by the name of Davidson, who had just built a little cabin there.  
Q Some land in cultivation? A Possibly there might have been some of the claim that was in cultivation.  
Q How often since '89 has Mary E. Smith been in the Indian Territory? A I couldn't tell now, I don't know.  
Q How many times has she been there in the last ten years?  
A I couldn't say as to that.  
Q Do you know whether or not she has been there at all?  
A I didn't see her. I heard she was there.  
Q Has Louanna Smith Terrell been down there in the last ten years?  
A I think she visited at her uncle's.  
Q He has charge of these places during the last ten years?  
A Why, I think John Toole and Joe Toole have.  
Q Have they exercised complete control over these places?  
A Why, I guess they have.  
Q Do you know for whom they were taking charge of these places?  
A Why, I suppose Mrs. Terrell and Mrs. Smith, and the other heirs.  
Q Do you mean the estate of their father and mother?  
A No, the claims Father Toole gave his grandchildren and children.  
Q Where did you get this information? A Well, I have been there and seen them off and on for eighteen or nineteen years, and I know that Mrs. Smith claimed the Cooper place as her claim.  
Q Did she ever tell you so? A No, I don't know as she did.  
Q Where did you get that information? A Why, from Father Toole, her father.  
Q When did he die? A I don't know, it has been quite a while, I don't remember the year.  
Q Since that time have you known anything about the conduct of these places? A Nothing of consideration, no sir.  
Q Are you acquainted with George W. Smith, husband of Mary E. Smith? A Dr. Smith. Yes sir, I have met him several times.  
Q Has he resided in Indian Territory at any time? A Not that I know of.

(Witness excused).

JOHN O. TOOLE, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A John O. Toole.
- Q Your age and postoffice? A Fifty-two years. My postoffice is Canadian, Indian Territory.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
- Q Selected your allotment? A Yes sir, I have taken my allotment.
- Q Are you related to Mary E. Smith, an applicant in this case?
- A Yessir, she is my oldest sister.
- Q How long have you lived in Indian Territory, Mr. Toole?
- A I have lived here since 1885, the first of January, 1885.
- Q Where did you come from? A Originally from Alabama.
- Q I mean immediately to the Indian Territory? A Well, I stopped at Alma, Arkansas. Was there about five years. I had been in the Territory prior to that time.
- Q What years? A I was here in '74.
- Q How long did you stay? A A month.
- Q '85 was the first time you came here to make your home?
- A No, I made my home here for a month in '74. I suppose you might say '85.
- Q At that time was Mary E. Smith still living in Arkansas?
- A Yes sir.
- Q When did she first remove to the Indian Territory to make her home? A I don't exactly remember the year, but I think it was about '88 or '89. I think possibly it was '89.
- Q Where did she come from? A She came from Fort Smith, Arkansas.
- Q Her husband is George W. Smith, a physician? A Yes sir.
- Q Was he practising his profession at Fort Smith at that time?
- A Yes sir.
- Q Did he own any property there at that time? A I don't know, sir, but I know my sister said they had sold their home, and such household goods as they didn't want to move.
- Q Did they bring any household goods to the Indian Territory?
- A Yes sir, I think so.
- Q Did you see them? A Well, I know she moved some furniture, and all of their clothing.
- Q What did they do with the household furnishings after they moved to the Territory? A Well, I couldn't state positively, for they lived at my father's house, and I was not living there.
- Q How far did you live from there? A I lived at the town of Canadian, and my father lived two and a half miles from the town.
- Q How long did she stay at that time before she returned to Fort Smith? A Well, she came sometime in the spring, and went back sometime in the fall. Dr. Smith, her husband, came out the latter part of the summer and stayed a while.
- Q How long did he stay? A I don't know. Probably three or four weeks.
- Q And returned to Fort Smith with his family? A Yes sir, took his family with him.
- Q Had the Doctor in the meantime still continued his practice at Fort Smith? A Yes sir, I think so.



- Q Then his practice has only been broken by his trips here to the Territory once in a while? A Well, at that time, he said to his wife that he was getting his practice down to the point where he could quit it, and had remained in the state so as to quit his practice, and he was getting his practice cut down at the time of his trip, and now had come to make his home there. To the best of my recollection, that was the conversation carried on with the rest of the family.
- Q For what reason did his family return to Fort Smith?
- A He had a lot of little children, and in the Territory we didn't have any schools, and about that time, Congress had donated the old reservation to Fort Smith, for the maintenance of their schools, so he said they had better move back to Fort Smith, to educate their children, and he was anxious for her to come back and put the children in school that fall.
- Q Well, didn't they know the conditions existing here in the Territory before their removal? A Yes, but he hadn't thought anything about it.
- Q Didn't you have any school of any kind at Canadian at that time?
- A Well, yes, had a sort of public school. Would get some one to teach the school, and pay them the tuition.
- Q How many children did Mrs. Smith have with her at that time?
- A She had three or four.
- Q Did she have Louanna? A Yes sir, that was her oldest.
- Q What was the next one? A Well, that was Ollie. I think her name was Olive. We called her Ollie.
- Q Did she have any others? A I think she had a baby named Mary.
- Q During the time she was here, did she acquire any interests in the Choctaw Nation? A Well, my brother younger than me had charge of my father's business, and my brother attended to his business for him. Sometimes my father would direct him, and there was a conversation came up during the time that Dr. Smith was there. I think Dr. Smith had been looking over the country and he brought the conversation up, by asking my father why he didn't take claims around there (under the old Choctaw laws, we could take claims) so as to hold that strip of the country, and my father said that he had at that time several claims, and my sister had some conversation with my father, who had selected her lands for her and had made provisions for her, and during this conversation, she asked my father if he would let her have the Cooper place.
- Q Was Cooper a citizen? A No sir, he was a white man. And my father told her she could have that place, and what was called the Winn place, and that he had selected these two places for her and her two children. I don't know whether he selected any for Dr. Smith or not.
- Q He designated which place was for Mrs. Smith? A Well, the Cooper place.
- Q Were you present during that conversation? A Yes sir, I heard that conversation.
- Q Under whom was Cooper holding at that time? A Under my father.
- Q How many claims did your father hold? A Seven or eight.
- Q For whom? A One for himself and my mother, and some for his child, Mrs. Smith, and her two children, and two orphan boys, his grand children.



- Q Had these selections been made prior to the time Mary E. Smith came to the Choctaw Nation? A Yes sir, they had.
- Q How long before? A About a year or so.
- Q Did Mrs. Smith have any knowledge of this? A I don't know, only when she asked my father to let her take the Cooper place he consented to it.
- Q What improvements were on the Cooper place at that time?
- A It was timber land. The largest portion had been cleared and a house and well put on it.
- Q What improvements were on the other place? A About the same kind of improvements.
- Q Did your father hold more claims than he had children for?
- A No sir, because my brother and I didn't want to take our claims in that kind of land, and some of my sisters who had married had settled in the Chickasaw Nation, and their husbands had selected for them over there.
- Q When did your father die? A I think he died in 1891.
- Q After Mrs. Smith had come to the Choctaw Nation, did your father put on any improvements on these lands that he set apart for Mary E. Smith and her children? A Yes, continued to improve it.
- Q Who did? A That is, he did. Had it done for her.
- Q Did he build any houses on them? A Yes, built a better house on it.
- Q Who paid for that house? A It was paid for out of the improvements on the place. My father and brother had control of it.
- Q Who furnished the lumber? A I couldn't answer that question.
- Q What do you mean by "out of the improvements"?
- A Well, I could explain it more fully if necessary. The custom of the citizens was to have a kind of lease, which was contrary to the law, yet we did it. We would have certain territory with white men on it, and tell them to improve certain parts, and have the use of the place for so many years.
- Q Did your father ever speak of receiving payment from Mrs. Smith for these improvements? A Oh, no. It didn't cost him anything, for the proceeds of the land paid for it.
- Q During your father's life time, did he have charge of this place?
- A Yes sir.
- Q And after his death, who had charge of it? A Well, my brother, Joe, and I together.
- Q Did you work these places yourselves or have them rented?
- A We had control of them and managed them and rented them out. We collected the rents, etc., and had improvements put on, and continued to improve the places.
- Q Under whose authority were you doing this? A Well, it was understood that it was Mrs. Smith's place, and the other place belonged to her children.
- Q Did you ever turn any money over to Mrs. Smith? A Yes sir.
- Q When? A Well, I can't say just now, but I sent her my check several times for rents, and I afterwards bought the Winn place and paid her for that.
- Q When did you buy the Winn place? A I don't know, but sometime four or five years ago.
- Q What did you pay her for it? A I think \$150.00.

- Q During all this time that property had not been enhanced in value more than \$150.00, and you had continued to turn money back into it for years? A Well, the fact of it is, that it was not choice land, so she decided she wanted to take her allotment in the Chickasaw Nation. We decided we didn't want to allot it, and disposed of it. The fence and improvements had gone down until they were not worth much, and I bought the whole place. When I took my allotment, that was one of the places.
- Q Hadn't you had this place for ten years, and in that time, could not you have found out the value of the land? A Yes sir.
- Q You had turned back in to the place the money derived from it all the time? A We continued to improve the place, yea sir.
- Q For ten or twelve years, and at the end of that time, it was worth \$150.00? A Well, yes, that is all I paid for it, the one place I wanted.
- Q What were the improvements on that place at that time? How many acres in cultivation? A I suppose fifty or sixty acres.
- Q What kind of a house was on it? A A kind of a box house.
- Q Well, on the place? A Yes sir.
- Q Granary? A No.
- Q Barn? A Oh, a kind of a barn. Had a little shed for the horses.
- Q Had you leased it every year since your father's death? A Well, we had leased it.
- Q Did you have tenants on it every year? A Yes sir.
- Q What kind of rent--share rent or money rent? A We generally rented for one-third and one-fourth; one-third of the corn, and one-fourth of the cotton.
- Q What did you do with these crops? A We paid the expenses, and Mrs. Smith got the balance.
- Q Turned it over in cash? A Yes sir.
- Q When did you take charge of the Cooper place? After your father's death? A Yes sir, my brother and I together.
- Q What improvements were on there at that time? A There was probably---
- Q A house there? A Yes sir.
- Q A box house? A Yes, about two or three rooms.
- Q A well? A Yes sir.
- Q How much in cultivation? A About thirty or forty acres.
- Q Did you have tenants on that place every year? A Yes sir.
- Q What did you do with the income from that property? A After having our settlements, we sent the balance to Mrs. Smith.
- Q Did you keep books so as to show the standing between you and Mrs. Smith from time to time? A Yes sir.
- Q Are they in existence now? A Yes sir, I think they are at home.
- Q And each action taken by you and your brother was entered there after you had done it? A Yessir.
- Q And settlements made with Mrs. Smith? A Yes sir.
- Q Have you had a final settlement with Mrs. Smith? A I think not. I think probably there is something due her yet on these rents.
- Q When was the last year that Mrs. Smith had anything to do with the Winn place? A Not since I bought that place. It was probably three or four years ago. It is three years ago I guess.

- Q That is the place you claim was designated for Louanna?  
A Well, for the children. There was two or three of the children. There was one big tract of land in the place there known as Toole prairie, and there wasn't much improvement on it.
- Q How long has Louanna been married? A I don't know.
- Q Hasn't she been married for eight or ten years? A No, I think not.
- Q Has she ever given you any authority to supervise this place, Louanna Smith? A No.
- Q Wasn't she married during a portion of the time you held that place? A I suppose she was, yes sir.
- Q You bought the place from Mrs. Mary E. Smith? A Yes sir.
- Q And without saying anything to Louanna Smith Terrell?  
A Yes sir.
- Q Isn't Elmer Terrell a man capable of conducting business?  
A Yes sir.
- Q And you didn't say anything to him at all? A No sir.
- Q How long did you exercise supervision in conjunction with your brother over the Cooper place which was set apart for Mary E. Smith? A After my father's death, I suppose for ten or twelve or thirteen years. Say twelve or thirteen years.
- Q That would be until about two years ago would it? A Yes.
- Q Then, did you dispose of it? A Well, it was--you mean the Cooper place here--that was finally allotted by other parties.
- Q With or without your consent? A Well, I didn't object to it simply for the fact that Mrs. Smith had about decided to take her allotment in the Chickasaw Nation.
- Q What did you get in consideration for the improvements that were located on there? A From whom?
- Q From the party who filed on it? A Nothing.
- Q What were you going to do, abandon them? A Yes sir, I allotted a portion of it myself.
- Q For your own allotment? A Yes sir.
- Q When did you file on it? A I filed on it--I think I had my allotments in about 1902 or '03.
- Q And you filed on this Cooper place? A Yes sir.
- Q And abandoned the balance of it? A Yes, and so did Mrs. Smith, for the fact that she had bought a place up in the Chickasaw Nation, up about Chickasha or Minco.
- Q Do you know when she bought that place? A In about '97 or '98. She and her husband were negotiating through Mr. Garland. He had some large holdings up there, and so Mr. Garland bought for them there, and several of our party went in with Mr. Garland and bought a large pasture from Mr. Nail, and Mrs. Smith and her husband have since selected their allotment there.
- Q Did they buy any improvement there? A I suppose that would be kind of an improvement.
- Q Did Mrs. Smith have knowledge that you filed on part of this?  
A Yes sir.
- Q And was it with her consent that you abandoned the balance of it?  
A Yes sir.
- Q Since '89, how often has Mrs. Smith been in the Territory?  
A Why, I think once every year.
- Q Just came there to stay during the summer? A Why, yes, she did not establish a home since '89, my mother lived for several years after that and she lived with my mother while there.

- Q She has been keeping house in Fort Smith with her husband hasn't she? A Yes sir.
- Q Do you know whether or not they own their property over there?
- A Yes sir, I think Mr. Smith owns considerable property there.
- Q Does he own his residence? A Yes sir, I think so.
- Q Does he own his business building? A Yes sir, I don't think he is practicing any now; I think he has retired; I think he owns several buildings there that he rents.
- Q Do you know where Louanna Smith Terrell lived at the present time? A She lives at Chickasha.
- Q How long has she been living there? A She has been there seven or eight years, I think. Probably longer.

By Mr. Bond.

- Q Mr. Toole, you testified that you superintended the holdings of Louanna Smith Terrell near Canadian, Indian Territory?
- A Yes sir. Well, now, this place covered considerable land. It was one or two different improvements. According to our old custom, we held many claims, as we had a law that no one could come within a quarter of a mile of our allotments, and we got just about one acre in cultivation and fenced the place, and it held good under our Choctaw customs. We had one field of forty-five or fifty or sixty acres, and then we had smaller improvements, so as to keep other citizens from encroaching upon it, and my father, by owning these improvements, held this land here, so as to have land for Mrs. Smith and her children, and the Cooper place was for Mrs. Smith, individually.
- Q You purchased part of the holdings of Louanna Smith Terrell near Canadian, didn't you? A Yes sir.
- Q Now at the time you made this purchase, did she and her husband select land elsewhere in the Indian Territory? A Yes, I think she did, as she wanted to dispose of it for land near Chickasha.
- Q Were they satisfied with the kind of land that had been selected for Louanna Smith Terrell by her mother? A No, I think not. I think her mother was not satisfied because she had decided to abandon this place and take land in the Chickasaw Nation. I suppose she turned it over to her mother, and I made the trade through her.
- Q Did your sister, Mrs. Smith, ever tell you why she went back to Fort Smith? A Yes, I am familiar with the circumstances which carried her back and her conversation between her and her husband. As well as I remember, it occurs to me something like this: He had looked over the conditions out there for educating and schooling the children, and he told his wife they had better go back to Fort Smith for the present to educate their children; that owing to the fact that Congress had donated that reservation and given them a good school, he wanted to educate the children there; and he told her he had an option on renting a house and was anxious to settle the matter before the option expired, and they decided to go back to Fort Smith to put the children in school.
- Q Did they put the children in school when they went back to Fort Smith? A Yes, continued to put them in school, and keep one in school yet.

- Q They continued then from the year 1889 to school children in the city of Fort Smith, Arkansas? A Yes sir.
- Q During that time did they continue to hold lands in the Choctaw and Chickasaw Nations and collect rents from them?
- A Yes sir. I don't know as they did in the Chickasaw Nation. It was my opinion that they disposed of or abandoned their lands in the Choctaw Nation, and took lands in the Chickasaw Nation.
- Q Was Louanna Smith Terrell a minor at the time her claim was located for her? A Yes sir.
- Q Do you know how old she was when she married? A No sir.
- Q Do you know whether or not immediately after her marriage she selected lands in the Chickasaw Nation? A I so understood that Mr. Terrell, her husband, selected lands for her, and one for him, so her claim could be with his.

(Witness excused.)

M. E. HIGHTOWER, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Hightower, M. E.
- Q How old are you? A I will be fifty-four years old the twenty-second day of this month.
- Q Your postoffice? A Indianola.
- Q How long have you lived in the Indian Territory? A It will soon be thirty-three years since we moved here. In May it will be thirty-three years.
- Q Are you acquainted with Mary E. Smith? A I am.
- Q How long ago since you got acquainted with her? A Well, it was about the year 1888 or '89, as well as I can remember.
- Q Where were you living at that time? A At Canadian on the M. K. & T. road.
- Q Right in town? A Yes sir, right in town.
- Q Where was she at that time? A With her father and he lived between two and a half miles and three miles from Canadian, in the country.
- Q Are you a citizen of the Choctaw Nation? A I am.
- Q Had you known her at all prior to '89? A No sir.
- Q You met her at her father's house? A Met her at her father's.
- Q Do you know how many children she had with her at that time? A Only two.
- Q Do you know their names? A They were called Anna and Ollie.
- Q How old was Anna at that time, or Louanna? A Well, I can't tell you. She was a good big girl.
- Q What time of the year was it that Mrs. Smith came there in '89? A The first time she came, it was, as well as I can remember, somewhere between May and June. It was after the summer school was out.
- Q And how soon after she came did you get acquainted with her? A Why, just a few days.
- Q A short time? A Yes sir, a short time.



- Q What was understood in the Toole family about Mrs. Smith coming there to live at that time? Did you hear anything about that?
- A Well, the family wanted her to come, but then we didn't have any schools and Mrs. Smith didn't think she would be doing her children justice to move to the Territory and deprive them from school.
- Q When she came there, had she, or had she not, made up her mind to locate in the Choctaw Nation? A She had made up her mind to move. Yes sir, she had.
- Q In what way do you judge that? A Why, hearing her family say so. There was two of her sisters and myself that were very intimate, and they told me she had come to live among them, and locate her claims, but we had no schools in Canadian.
- Q Didn't you have school at Canadian at that time? A No sir.
- Q None at all? A Why, yes, but it was just a primary school, and I don't suppose any children attended school there over eight or nine years old.
- Q Did Mrs. Smith bring any household effects with her when she came? A I know she brought a great deal, for they hauled several days from the depot. I was told it was her household goods.
- Q Well, what time in the fall did she leave and go back to Fort Smith? A Well, I might judge it was along between the middle and last of September. It was getting cool weather when she left.
- Q Were you acquainted with why she changed her mind? A She changed it because there wasn't any school for her children.
- Q Do you know whether or not she had a claim or improvement in the Choctaw Nation prior to her removal thereto in '89?
- A No sir, I don't.
- Q Do you know whether or not after she came to the Choctaw Nation in '89, a claim was selected for her? A I was told so by different members of the family.
- Q Do you know where this claim was located? A Yes sir.
- Q Where was Mrs. Smith's claim located? A It was near her father's place, between two and a half and three miles from Canadian.
- Q Were there any improvements on it at the time she came there?
- A I think not, no sir. I am most sure there was not. Her father had improvements made for her afterwards.
- Q Was that one claim selected for her and her children then?
- A I couldn't tell you. I heard directly afterwards that they had selected their claims.
- Q Do you know anything about the conduct of these claims after she went away, whether she exercised any control over it in any way? A Well, through her brothers, Mr. John and Mr. Joe Toole. I heard my husband and Mr. Toole speaking of it, and he said he had given a lease on his sister's claim and was having it improved.
- Q Do you know of what the arrangement consisted between Mrs. Smith and her brothers as to the conduct of that place? A I don't.
- Q You don't know anything about any business transactions between them, then? A No sir.
- Q Do you know how long Mrs. Smith continued to exercise control over that improvement? A No sir, not exactly, I don't, but I moved away from Canadian, and after moving from there, I lost sight of them.

- Q When did you move away from there? A I moved away from there in 1890.
- Q The next year after she was there? A Yes sir.
- Q And when did you return? A My farm is ten miles from Canadian. I was there at different periods just now and then all the time, but I didn't live there.
- Q Well, you didn't know anything then about the improvements and where she lived during that time from '90 on? A No, only just when I was visiting there.
- Q Did John and Joe Toole hold out to others that they were holding this improvement as Mrs. Smith's? A Yes sir.
- Q Explained this in that way to them? A To everybody, that was the understanding.
- Q When was the first time that you heard anything said about that? A It was the first time I was over there and saw Mrs. Smith in 1889. Her sister told me she had come to locate among us, and I asked where, and she says right close there to father.
- Q Did she specify what place it was? A Yes she specified what place.
- Q What place was it? A She said father had given sister Mary the Cooper place.
- Q Do you know whether or not Mrs. Smith ever derived any rents from this improvement? A No, I can't say as to that.
- Q Since that day that her sister told you that her father had given Mrs. Smith the Cooper place, do you know whether or not she still continued to control that? A Yes, it has been my understanding, sir, and it has always been my understanding, that the rents she derived from this place went to keep up the place.
- Q Did she get any cash money? A I can't say as to that.
- Q You don't know anything about her business transactions at all? A No sir, only what I heard from different members of the family. I don't know anything about their business.
- Q Has Mrs. Smith, since the time she returned to Fort Smith, been back to the Choctaw Nation? A Oh, yes. She has been back several times.
- Q You have seen her? A Yes sir, several times.
- Q Do you know anything about how many times she has been back? A Well, I saw her four different times.
- Q When was the last time you saw her down there? A The last time I saw her was seven years ago. She came to attend her mother's funeral service.
- Q When was it you saw her there before that? A Well, I couldn't tell you how many years ago.
- Q Was it as much as two years before that? A Yes, three years. I was on a visit to Canadian, and she was on a visit to her people, and I saw her.
- Q Do you know anything about whether a claim was selected for Louanna Smith Terrell there? A I don't know. I just heard the family speak about claims for Mrs. Smith and her children.
- Q Are you acquainted with Louanna Smith? A Yes sir.
- Q Do you know when she was married? A No, I can't call to memory now.
- Q About how many years after she came to the Choctaw Nation until she was married? A Oh, she has been married about five or six years, I think.



By Mr. Bond:

- Q Mrs. Hightower, at the time you met Mrs. Smith in 1889 near Canadian, were any of her family with her? A Yes sir, her two oldest girls, Mrs. Terrell and Mrs. Critz.
- Q Did you hear Mrs. Smith or any member of her family at that time state for what purpose she had come to the Indian Territory?
- A Yes sir, I heard Mrs. Smith and Mrs. Smith's sister. Mrs. Smith's sister told me that Mrs. Smith had come among us, and I just made use of the expression "What is she going to do about school" and she said "I don't know just what", and it went on for some time and Dr. Smith visited with his family. I met with this sister that day and she said, "Mary has got to go back to Arkansas, although they had sold their home there, but Dr. Smith says it would be much better to rent and send the children to school than to keep them here and raise them up in ignorance, and on account of his business, he has to go back".
- Q Did you hear Mrs. Smith or any one say she had come there for the purpose of making her home there? A Yes sir, I heard her sister and Mr. Joe Toole say so.

(Witness excused.)

WILEY ADAMS, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Adams, Wiley Adams.
- Q How old are you Mr. Adams? A Sixty.
- Q Your postoffice? A Canadian.
- Q You are a citizen by adoption of the Choctaw Nation? A Yes.
- Q How long have you lived at Canadian, Mr. Adams? A Nearly thirty-eight years.
- Q Are you acquainted with Mary E. Smith? A Yes sir.
- Q When did you first become acquainted with her? A About '89.
- Q What calls that year to your mind at this time? A Well, she was at her father's, she and her family, and I was well acquainted with all of the family.
- Q How far did you live from her father's home? A About two miles.
- Q Is there no particular event or circumstance that calls that year to your mind as the year she was there? A Nothing particular, only I was there.
- Q Who came with Mrs. Smith at that time? A Well, she had her children with her.
- Q How many children did she have? A Two that I remember of.
- Q What are the ones that you remember? A This here girl that married a Terrell.
- Q What is her name? Annie.
- Q What is the other you remember? A I think it was Mary, but possibly I can't remember.
- Q How old was Anna at that time? A I don't remember just how old.

- Q About how old? A Well, I haven't much idea, it has been a long time since then.
- Q Well, you remember other things that happened a long time ago?
- A Well, as far as her age is concerned, she was a right smart girl.
- Q Was she married? A No, she was a small like girl.
- Q What time of the year was it that she came there?
- A Well, now, when I got acquainted with them was in June as well as I remember.
- Q When was it you saw her the first time? A It was there at her father's.
- Q In June? A I don't think that was the first time, but I know it was in June I saw her.
- Q How long did she stay there at that time? A Best I can remember, stayed there until about September.
- Q Wasn't it November? A No, late in the summer.
- Q You are not positive about that? A No, I don't know positive. She stayed quite a while.
- Q Six months? A I don't know, a good bit.
- Q Did she move her household furniture with her when she came?
- A Well, I don't know.
- Q Never saw it? A I didn't see it.
- Q Did she have any property in the Choctaw Nation before she came there? A I understood--I was told.
- Q When were you told? A About that time, that she had some place there--her place.
- Q Was it located for her before she moved there? A I was told so.
- Q Who told you? A Joe. Of course, that was the talk.
- Q You say Joe told you that she had an improvement there before she moved there? A Yes, about the time she did.
- Q Where was this place? A Well, what was called the Cooper place, down toward town.
- Q Was that the only claim? A Well, they had other claims, but I don't know the difference between hers and the rest.
- Q How many claims did they have? A Well, I don't know how many, but Joe had several claims.
- Q I am not speaking of Joe. A Well, he was acting for her.
- Q He was managing several claims for her? A Yes, that Cooper place was her claim.
- Q Did the children have any separate claims? A I don't know.
- Q How do you know she had that Cooper place? A Well, only just by Joe talking of it.
- Q What did he tell you? A It was for her, that is what he said. You know, of course, I was with Joe a good deal.
- Q Were there any improvements on that place before she came there?
- A Yes.
- Q What were there? A A house and small field.
- Q How many acres in cultivation? A Well, I don't know how many.
- Q Do you know how long she retained that? A No sir.
- Q Have the improvements changed materially up to ten years ago?
- A Yes sir.
- Q What has been done? A Well, a whole lot more land has been improved, some most every year.
- Q Who had charge of it every year? A It seems that Joe did.
- Q Do you have any knowledge of the business transactions that took place between Mrs. Smith and her brother, Joe? A No.

- Q Did you ever talk to Mrs. Smith about this? A No sir.
- Q Did you know the names of all the parties in your neighborhood that held improvements there? A Well, no, not all parties.
- Q How many claims did the Toole family have? A They had a good many claims.
- Q How do you know that this particular claim was set aside for her? A Don't only just what Joe said to me.
- Q Did Joe have a claim of his own beside all this? A Yes, he had several claims.
- Q Where was Joe's claim located? A There was several claims he had charge of.
- Q Where was his personal claim located? A Well, he took his personal claim down about Gaines County, down close to the river, but had a good many claims. You see, according to the Choctaw law, you just had to claim it, and build a cabin, and hold your claim. Joe had several claims.
- Q Do you know any difference as to this Cooper claim, whether or not it belonged to him, or whether he held it for some one else? A Only what he told me.
- Q Who got the income from that place? A Well, I don't know.
- Q Who is the tenant on the Cooper place? A Well, the Coopers' lived there then.
- Q How long did they continue to live there? A I don't know.
- Q How long since they left? A I don't know. Not a great while.
- Q Two or three years ago? A Two or three years ago.
- Q Been there all that time? A Yes. The old man Cooper died.
- Q And the boys have since continued on that place? A Yes sir.
- Q Since '89, how many times have you seen Mrs. Smith down there? A Not very many.
- Q About how many times? A I don't know.
- Q Have you ever seen her down there since that time? A I don't remember that I have.
- Q Your information is derived solely from Joe Toole about Mrs. Smith owning any improvements in the Choctaw Nation? A Yes, that is all.
- Q Did any circumstances occur which led you to believe he was acting as agent for Mrs. Smith? A Nothing, only he seemed to have the management of the whole place.
- Q As his own? A Well, I can't say.
- Q Do you know what became of the crops they got of that land? A No, it was filed on, but I don't know who filed it.
- Q How long did they retain it? A I don't know--a good while.
- Q Well, how many years ago since they let go of it? A I don't remember just how many.
- Q Ten years? A They held the place for a good while.
- Q What do you mean by a good while? A Several years.
- Q Eight years? A It may have been that long. I don't remember. My memory isn't good.
- Q How is it you remember that woman came there in '89, and several other things connected with it? A Well, I was there then.

By Mr. Bond:

- Q In the year 1889, did you work for Mr. Toole for a while, the father of the applicant, Mrs. Smith? A Well, I was there a while. I helped them put up hay.
- Q The year when you were there and helped put up hay, was Mrs. Smith there? A She was there when I was over there.
- Q The first time she came out to the Indian Territory, did you hear the family of the applicant have any conversation as to what purpose she had come here for? A No sir.
- Q Has she continued to come back to the Indian Territory, during the summer months? A I have been told so. I never saw her.
- Q In those days, the country was thinly settled, wasn't it? A Yes sir.
- Q Didn't the community generally know who owned those improvements located within a radius of eight or ten miles around? A Well, the people who lived there did.
- Q Was it the general understanding in the community after Mrs. Smith came out here, that she owned the Cooper place? A That was the talk.

(Witness excused.)

ROBERT TURNER, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Turner--Robert Turner.
- Q How old are you? A Forty-seven years old?
- Q Postoffice? A Canadian.
- Q Are you a citizen by blood of the Choctaw Nation? A I am, sir, yes sir.
- Q How long have you lived at Canadian? A Thirty years.
- Q Do you live in the town? A Yes sir.
- Q What is your business? A I am in the mercantile business.
- Q How long have you been acquainted with Mary E. Smith? A I think it was 1889, the first time I met Mrs. Smith.
- Q What calls that year specially to your mind? A Well, only that was about the time that they abandoned their home in Fort Smith to take up their rights here in this country.
- Q How did you come to that conclusion? A By being associated with her brother.
- Q Which brother? A Joe Toole. The time I met Mrs. Smith, she was at her father's, and I was introduced to her, and some one made the remark she had come to exercise rights of citizenship in the Choctaw country.
- Q Were you intimately acquainted with the Tooles' at that time? A Yes sir, I was then handling cattle, and Mr. Toole was a cattle man, and we was together there all along., every week.
- Q What time did Mrs. Smith come there? A I don't know, but it seems it was in June or May. It was when we was on our final round ups.

- Q Does that round up occur at the same time every year?  
A It depends upon the condition of the grass.
- Q How long did she remain there? A I don't know.
- Q Did you hear her say anything about what her intentions were when she removed there? A Yes sir, I did. I remember when Joe was talking to his sister about coming there, he said she had abandoned her other home.
- Q Who accompanied her at that time? A I don't know sir.
- Q Do you know whether she had any children at that time or not?  
A Yes sir, she had some children with her.
- Q How many? A Indeed, sir, I don't know.
- Q Did you ever see her husband there at all? A Yes sir.
- Q When did you see him? A I don't know what year. I had a daughter that had an artificial eye, and I consulted him about her one time when he was out here, and he told me then about coming to the country. That was why it was so vivid in my memory.
- Q How long did he stay there? A Well, sir, a week or so. He was then simply on a visit.
- Q Wasn't he still maintaining his office at Fort Smith?  
A I believe he was, but I think his idea was to look around and see the country. I think his preference was South McAlester, but he was then in Canadian.
- Q Do you know whether Mrs. Smith moved her household effects from Fort Smith? A No sir, I never heard her say.
- Q Do you know whether she held improvements in the Choctaw Nation prior to her removal thereto in 1889? A What I know is what her brothers told me about making such a selection for Mrs. Smith. It was her nephew that first told me about it. I was asking him where he was going to make his selection and he told me he was going down about Kiowa, and I made the remark about his selecting the old Cooper place, and he said "No, my aunt is going on that."
- Q Do you know whether she had had anything to do with the selection of her claim prior to the time she came there? A Well, it was an improved place that connected with her father's.
- Q Didn't he improve it for his own? A Well, I don't know, only what Joe told me.
- Q What claim was it you referred to as being set aside for Mrs. Smith? A Well, her claim, I think, was called the Cooper place. It was a man by the name of Cooper put the improvements on the place.
- Q For whom? A Why, it was done for the old man. All the improving that was done, he had it done.
- Q Was Cooper a non-citizen? A Yes sir.
- Q How long did Cooper continue to stay on that place?  
A He continued to stay and rent there until his death--several years.
- Q How long since he died? A About three or four years ago. I don't exactly know.
- Q To whom did he pay the rent? A I don't know about that.
- Q How do you know he paid rent? A Well, I have seen him delivering corn for rent toward the old gentleman Toole's.
- Q Since '89? A Yes sir.
- Q Old man Toole got all the profits did he? A I don't know about that.



- Q Do you know whose tenant he was? A I don't know.
- Q Did you ever hear him say? A No sir, I never did.
- Q What became of the Cooper place, afterwards? A Why, indeed, I don't know who bought it. It seems to me it was disposed of by some of the Toole heirs.
- Q Was it disposed of as part of the estate of old man Toole?
- A I would suppose not. It belonged to Mrs. Smith. Well, I would think that at that time it belonged solely to one of the party.
- Q What party? A Mrs. Smith.
- Q From what would you judge that? A By what I just related that Joe told me about it belonging to his sister, and her nephew said it belonged to his aunt.
- Q Did he designate any particular place as belonging to his aunt?
- A Only the Cooper place.
- Q Didn't Mr. John Toole select part of this place as his allotment?
- A No sir, he took his allotment on a place called Pecan bottom. He has allotted a place close to the Toole place, but I don't know whether it is his wife's or his children's.
- Q Well, do you know what became of the Cooper place? A I do not.
- Q How did the improvements compare on the Cooper place in 1888 or about a year before with 1889? Had they been enhanced any?
- A Yes, improved in value.
- Q Had the place been improved any? A I don't know.
- Q What were these improvements worth four years ago? A Well, sir, I never looked at them with an eye for that.
- Q Do you know whether or not Mrs. Smith exercised any supervision over that place at all? A I don't know, sir.
- Q How many times have you seen Mrs. Smith in the Choctaw Nation since 1889? A Well, I couldn't call to mind about that. In fact, I do not think I saw her at all.
- Q When was the last time you heard she was there? A I couldn't say that either.
- Q Seven or eight years ago? A I couldn't say.
- Q You don't know anything about how many years she has been there since '89? A No sir, I am certain she was there when I inquired of the Doctor about my daughter.
- Q When was that? A I don't know.
- Q Was that in '89? A No sir, about four or five years ago.
- Q Doctor down there on a visit? A Yes sir, I suppose so.
- Q Do you know anything about whether or not an improvement was ever selected for Louanna Smith Terrell? Of your knowledge?
- A No sir.
- Q Did you ever know anything by hearsay? A Well, what I have just spoken of in reference to the Cooper place.
- Q And that belonged to Mrs. Smith and two children? A Yes sir. The way that Cooper place comes to my memory, we would get to turn our cattle in for pasture.
- Q Did you pay anything for that privilege? A No sir, we just ran about the country in the neighborhood.

By Mr. Bond:

- Q You state that you had a conversation with Mrs. Smith and her brothers near Canadian in 1889, in which Mrs. Smith said that she had abandoned her home, or sold it, in Arkansas, and had come to Indian Territory to make her home near Canadian? A Yes sir.

- Q You knew most of the people in a radius of ten or twenty miles around the country, didn't you? A Yes sir.
- Q It was commonly known who owned the different improvements in the country? A Yes sir.
- Q Was it, or was it not, the impression in your community that Mrs. Smith owned the Cooper place? A Well, I couldn't say.
- Q How long after you met Mrs. Smith were you informed that she owned the Cooper place? A A very short time.
- Q I believe you said some of her children were with her at that time? A Yes sir, I don't know which one by name. I saw some children there that called her Mama.
- Q Did Mrs. Smith or her brothers tell you that lands were selected in that community for her children also? A Yes, but I don't know as they designated the place. They said they were all coming to settle in the neighborhood and make their selection.
- Q Were school facilities good in that neighborhood at that time? A No sir.
- Q Did you ever hear Mrs. Smith or any of her relatives say why she moved back to Arkansas? A Yes sir.
- Q For what purpose did they say she had moved back? A To educate their children.

By the Commissioner:

- Q Was that the sole reason? A Well, I would suppose one reason was that he was an oculist, and that country was thinly settled, and he could not educate his children and practice his profession in that country.

By Mr. Bond:

- Q Did Mrs. Smith continue to come back to the Indian Territory in the summer vacation? A Yes sir, I understood to her father's.

(Witness excused).

D. E. GARLAND, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A D. M. Garland.
- Q How old are you? A Forty-two.
- Q Postoffice? Chickasha.
- Q How long have you been residing in the Choctaw-Chickasaw country? A Twenty-three years.
- Q Have you at any time been a resident of Canadian? A Yes sir.
- Q Between what dates? A From 1887 to 1900, three years.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q By intermarriage? A Yes sir.
- Q Are you related to any of the parties in this case? A Yes sir, I am a brother-in-law of Mrs. Smith. My wife and her are sisters.



- Q When did Mrs. Smith first remove to the Choctaw Nation?  
A In 1889.
- Q When did you marry your wife? A January 18, 1888.
- Q How far from Mr. Toole's place were you living at that time?  
A About three miles.
- Q Do you know for what purpose Mrs. Smith removed to the Choctaw Nation at that time? A I know what they said.
- Q What was it? A For the purpose of obtaining her lands and rights in the Choctaw Nation.
- Q Did she have any children with her at that time? A Yes sir, two.
- Q What were their names? A Anna and Ollie.
- Q Where is Ollie at this time? A She is at Little Rock.
- Q How long has she been there? A Best of my knowledge, about three years.
- Q How long since you saw her? A Five years.
- Q Is she married? A Yes sir.
- Q Her husband living there? A Yes sir.
- Q Is he engaged in business? A He is working for either the Dunn or Bradstreet mercantile agency.
- Q Is he a citizen of the state of Arkansas? A I don't know.
- Q Did Mrs. Smith have any improvement in the Choctaw Nation before she removed there? A Well, yes, Mr. Toole had improved places for all of his children there, and my wife too.
- Q How many children did he have? A He had four daughters and two sons.
- Q Did he have any other children living with him at that time?  
A He had a couple of grandchildren, Bolen children, that he had places picked for; Johnnie and Carl Bolen.
- Q Did he have any particular place designated as the place of Mary E. Smith? A Yes sir, he had several places, but his improved place he had designated for Mrs. Smith.
- Q What year did he tell you this? A Well, he told me that soon after I married, and he told me he had a place for my wife.
- Q Did your wife finally select that for her allotment?  
A Yes sir, she did, but I refused to take it after I married her. I picked a better place I thought.
- Q Then she ceased to claim that after you were married to her?  
A Yes sir, as soon as I selected another place. I went down in the bottom on the Canadian River.
- Q Before Mrs. Smith removed to the Choctaw Nation did she get any revenue out of that place? A Well, I was married in '88 and Mrs. Smith came to the Choctaw Nation in '89, and Mr. Toole was improving about this place he had selected for his children, and one place was for my wife, and he said that was Mrs. Smith's. I couldn't tell you whether she got anything from it at that time.
- Q Did he tell you whether he had selected anything for Mrs. Smith's children? A Well, he said that was for Mary and her family. At that time, all we had to do was to go and fence the land and not come in a quarter of a mile of any one else, and there was a place there known as Toole place with 1500 acres in the place, and he says "This is for me and my family".
- Q Did he take it upon himself to select allotments for all generations? A Well, I don't know that he did, but he gave me the privilege to take there for my wife if I wanted to.

- Q Did Mrs. Smith remove her household furniture to the Choctaw Nation? A Yes sir, part of it. She sold part of it.
- Q Took it back when she left that place? A Yes sir.
- Q Do you know whether or not since the time she was here in 1889, she has exercised any control over that claim?
- A Yes sir, I know she has received rents from that claim; that is, it was rented and the rents went for improving that place.
- Q Did she do that personally? A No sir, she did it through her brother.
- Q She never received any cash rent? A No sir, not that I know of.
- Q Which brother? A Joe Toole.
- Q Wasn't this place managed jointly by Joe and John Toole?
- A Yes, they was both in business together, but Joe was the principal manager of all the old places.
- Q How long did she continue to exercise any control over that place?
- A Why, I think up until some years ago.
- Q And then what happened? A There were parties filed on it.
- Q What was this place known as? A Known as Toole place--Toole farm.
- Q Was it ever designated as the Cooper place? A Yes sir, a man named Cooper lived on it.
- Q Who did he recognize as his landlord? A Why, as far as I know, Mr. Toole for Mrs. Smith.
- Q There was no particular place set aside for these children in particular? A Why, I don't know, but I know about this place for Mrs. Smith, for it had been designated by Mr. Toole and Joe to me.
- Q What was the reason that Mrs. Smith didn't remain there after she removed there in '89? A She returned to Fort Smith to school her children.
- Q Is that the only reason? A That is the reason she told me. There were no schools in our country at that time. She said, "Dan, there are good schools in Fort Smith, and we have got to go back to school these children".
- Q Are there no schools there now? A Why, I think there are schools at Canadian.
- Q How long has that been in the condition it is now?
- A Why, I think about six years, but it is not a very good school.
- Q Has her husband, Dr. Smith, ever abandoned his practice in Fort Smith? A Well, I don't know. Not that I know of.
- Q He owns property in Fort Smith doesn't he? A Yes sir.
- Q His residence and business property? A Well, at the time Mrs. Smith moved to this country, he didn't own residence property. I don't know whether he owns his house or rents it.
- Q Did you ever know of Dr. Smith owning any interests in the Choctaw Nation? A Yes; that is, he claims an interest.
- Q What was that interest? A In his wife's place.
- Q How big a place was that Cooper place? A That Cooper place was about 250 acres enclosed, but the Cooper place contained, under our ruling there, about 1000 or 1500 acres. We had designated lands there at that time, and had a quarter of a mile limit, under the Choctaw law.
- Q How often has Mrs. Smith been back there since her return to Fort Smith? A Why, she has been there every summer.

- Q Have you seen her? A Yes sir, been to my house.
- Q How long at a time? A She came in the spring as soon as school was out, and stayed until school began again.
- Q Do you know whether or not she has personally exercised any control over that place? A Well, I know she has through her brothers.
- Q Do you know anything about their appointment as her agent?
- A Well, she told me her brother was looking after her place for her.
- Q How many places did the Toole Boys have down there? A They had four places.
- Q Didn't they run their cattle on the Cooper place? A No sir, their cattle ran on the outside.
- Q Didn't they use it in connection with their cattle business?
- A No sir, not that I know of. It was under fence, and the cattle were on the outside.
- Q How much was in cultivation? A Well, I think something like ninety or one-hundred acres.
- Q In '89? A No, must have been something like forty acres in '89, when I married into the family.
- Q Didn't one of the Toole boys select that as part of his allotment?
- A No sir, not that I know of.
- Q Have you continuously since '89, known of the business relations existing between Mrs. Smith and her brothers? A Why, yes sir.
- Q Do you know whether or not any money has been turned over to her as a result of the renting of this land? A Well, I don't know personally, only from what they told me.
- Q What did they tell you? A Well, I am in Chickasha and they are at Canadian.
- Q Well, during the time you were there? A Well, I have been away from Canadian twelve years.
- Q You lived there from '87 to '91? A From '87 to 1900. Went to Krebs, and from there to Chickasha.
- Q You mean 1890? A Yes sir, I moved there before I married.
- Q If you have been absent from there since 1890, you would not know anything about it personally? A No sir.
- Q Do you know how old Louanna Smith Terrell is at the present time?
- A She must be twenty-eight or nine years old to the best of my knowledge.
- Q How long has she been married? A She has been married seven or eight years, I think.
- Q Where was she living when she was married? A Living in Fort Smith.
- Q Where was her husband living? A Fort Smith.
- Q How long did they continue to reside there? A I think something like eight months.
- Q Where did they move to? A Came to Chickasha to make their home. I brought them there.
- Q Was that Cooper claim, when improved, owned by Mrs. Smith and her children? A I think so, yes sir.

By Mr. Bond:

- Q When you married into the Toole family, you said your wife had

- a claim there near Canadian? A Yes sir, when I married, Mr. Toole said he had a claim for Inez, that was my wife.
- Q You abandoned this place and took land elsewhere? A Yes sir.
- Q Do you know whether Mrs. Terrell lived with her mother until she married? A Yes sir.
- Q And some six or eight months after she married, she moved to Chickasha? A Yes sir.
- Q Did they buy land when they moved to Chickasha? A Yes sir, I bought Mrs. Terrell a place myself.
- Q Did Dr. Smith ever buy lands near Chickasha for his family?
- A Yes sir.

By the Commissioner:

- Q When? A In 1899.

By Mr. Bond:

- Q Did you make that purchase for him? A Yes sir.
- Q Have you that instrument of writing? A Yes sir.

By the Commissioner:

There is offered in evidence a certified copy of a quit claim deed dated June 27, 1899, given by Charley Colbert to D. N. Garland, Dr. G. W. Smith, L. B. Cochran and J. Y. Toole, for certain described land located in the Chickasaw Nation.

By Mr. Bond:

- Q Was Charley Colbert a member of either the Choctaw or Chickasaw tribes? A Choctaw, yes sir. Lives at Durant.
- Q How long did Dr. Smith continue to hold this land for himself?
- A Continued to hold that land until about nine months ago. I t has been filed on by other parties in the last nine months.
- Q Do you know whether or not it was the intention of Dr. Smith and his family to contest this land? A Yes sir, Dr. Smith wrote me that he would contest it and Mrs. Smith said they would contest it. I had this land plotted for Mrs. Smith, and she sent the plot to the Commission.

By the Commissioner:

- Q Was Mrs. Smith holding an improvement near Chickasha and also one near Canadian? A Yes sir, under the laws of that country, we could claim all we had fenced.
- Q Who filed an allotment on the Cooper place? A I don't know whether it has been allotted at all or not.

By Mr. Bond:

- Q Mrs. Smith held this land near Chickasha until it was selected by other parties in allotment? A Yes sir.

- Q What was the character of the land claimed by Mrs. Smith and her children near Canadian in comparison with that near Chickasha?
- A The land at Canadian was very poor, and the land at Chickasha is very fine in comparison.
- Q Do you know whether Mrs. Smith and her children abandoned any part of their lands near Canadian after selecting those others?
- A No sir, they didn't to my knowledge.
- Q When you met Mrs. Smith near Canadian in 1889, did she state to you for what purpose she was in the Indian Territory?
- A Yes sir, for the purpose of getting her portion of the lands.
- Q In that conversation, did she tell you that she had come out here to make her home in the Indian Territory?
- A Yes sir, moved here because she wanted to select land with her own family. I know that to be a fact.
- Q Did she tell you at that time that she had abandoned her home in Fort Smith, Arkansas? A Yes sir, she had sold it and come here to take her claims.
- Q Did she tell you for what purpose she moved back to Fort Smith?
- A For the purpose of schooling their children. Ollie and Annie were girls at that time. There were no schools here.
- Q How many children had she at that time? A Two.
- Q How many has she at this time? A Four, I believe.
- Q Has she had children in school from that time to this?
- A Yes sir, and has children in school now at Fort Smith.

(Witness excused.)

LOUANNA SMITH TERRELL, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your full name? A Louanna Smith Terrell.
- Q How old are you, Mrs. Terrell? A About thirty-three.
- Q Postoffice? A Chickasha, I. T.
- Q When were you married? A '97. September 1, '97.
- Q Where were you married? A Fort Smith, Arkansas.
- Q Who married you? A Rev. E. P. Edwards.
- Q Did you secure a license? A Yes sir.
- Q Arkansas license? A Arkansas license.
- Q Were you living at Fort Smith at that time? A Yes sir.
- Q Where was your husband living? A He was living there.
- Q Did you ever marry prior to your marriage to Terrell? A No.
- Q Was he ever married prior to his marriage to you? A No.
- Q How long did you continue to live there in Arkansas after you married? A It wasn't a year. We didn't live there a year until we moved out here.
- Q You moved in October, 1898, didn't you? A No, we came out here in the summer of '98. We came in the summer, about July, 1898.
- Q Where did you move? To what place? A Chickasha.
- Q Have you lived there continuously since that time?
- A Ever since.



- Q You were afterwards remarried under Choctaw law? A Yes sir.
- Q Where were you living at that time? A Living at Chickasha.
- Q Did your husband go over to Gaines County, Choctaw Nation, and get a license? A He did.
- Q Who married you under a Choctaw license? A I have forgotten now.
- Q Where were you married under a Choctaw license? A We were married at Hartshorne.
- Q You were living at Chickasha then? A Yes, we secured a license at Hartshorne, and went there and got married there. It was a minister that married us, but I don't know his name.
- Q When did you first remove to the Choctaw Nation? A In '89.
- Q Whom did you come there with? A With my mother and sisters.
- Q How many sisters? A I had three sisters.
- Q At that time? A Yes sir.
- Q What were their names? A Ollie Smith, Mary Smith and Margaret Smith.
- Q How old were you at that time? A I was somewhere about sixteen.
- Q Had you been attending school at Fort Smith prior to your removal to the Choctaw Nation? A Every year since I was six years old.
- Q Had you finished school at Fort Smith at that time?
- A No, I lacked several years of finishing.
- Q What month of 1889 did you come to the Choctaw Nation?
- A Well, it was in the spring sometime. I don't remember the exact time. I don't know whether it was May or June. I couldn't say.
- Q How long did you stay there? A We stayed there until my father came for us. He came out and looked the country over, and after he saw the condition of the schools, he took us back.
- Q Didn't you have knowledge of the fact that there were no schools there before you moved to the Choctaw Nation? A Well, we had never thought of it then.
- Q Wasn't your mother in constant correspondence with the members of her family? A Yes sir.
- Q What time of the year did you return to Fort Smith?
- A Just in time for school.
- Q Did your father own any property in Fort Smith before you moved to the Choctaw Nation? A Yes.
- Q Did he still retain that when you moved to the Choctaw Nation?
- A Why, he sold our home.
- Q Did he own any other property there? A Why, he didn't own any home then.
- Q Didn't he own any business property? A I don't know. I didn't pay much attention to that.
- Q Have you ever claimed to have owned any property in the Choctaw Nation? A Yes sir.
- Q Where was it located? A Two or three miles from Canadian.
- Q What did it consist of? A Farm land and timber land. Some in cultivation.
- Q How much in cultivation? A Well, I don't know exactly how much. My mother had a place, and my sister's and mine were one together.
- Q You all had separate places? A Yes, they were joining.
- Q Where was your claim located to the claim of your grandfather, Mr. Toole? A It was in sight, but I don't know the direction.
- Q How far away from it? A It was within a mile from his place.
- Q Where did you get that improvement? A Why, it was selected by my mother, and grandfather and uncle.

- Q A family affair? A No. Of course, I was a minor, and they selected it for me.
- Q At what time was this land selected for you? A In '89, the time we were there.
- Q It wasn't selected before you went there, then? A It might have been, but that was the first I heard of it.
- Q What improvements were located on it at that time? A A house and a fence.
- Q What kind of a house? A A very small house.
- Q A board or a log house? A Part board and part log.
- Q How long did you continue to own that? A About fifteen years I guess, till about '94.
- Q Then what became of it? A Well, I had been married in the meantime, and Mr. Terrell was not satisfied.
- Q In '94? A No, in 1904, up until it was filed on by different parties.
- Q When did you leave the Choctaw Nation in '89? A It was in the fall in September--the month of September.
- Q Did you return there after that? A Many a time.
- Q How often? A Well, every year.
- Q And visited your grandparents? A There on his place.
- Q Who exercised control over the claims you claim had been put in for you? A My uncles.
- Q What are their names? A John Toole and Joe Toole.
- Q Did you get any rents or profits from this land? A Why, it was collected and went for the improvements on this place.
- Q Did you ever receive any money? A I never received any money myself.
- Q Your uncles still controlled at after you were married?
- A A very short time, because Mr. Terrell wasn't satisfied and went to the Chickasaw Nation and located there.
- Q Was it your intention to abandon that claim? A Our intention was to abandon our claim in the Choctaw Nation and take land in the Chickasaw Nation.
- Q Did you give your uncles any authority at any time to exercise supervision over it? A I did.
- Q In what way? A Well, it was done through my mother. I was a minor.
- Q Well, after the time you were married--you didn't pay much attention to your claim after you were married? A Well, I still held it up to the time we selected our land out there, but I was only married a short time when we bought that out there.
- Q You hadn't paid much attention to it for several years before you were married? A Yes, but I hadn't done much. I gave them the authority.
- Q And you hadn't got anything out of that claim for fifteen or eighteen years? A Except the improvements on the place.
- Q What did you do with the claim finally? Did you improve it and then abandon it? A It was filed on by different parties.
- Q Well, prior to 1902, had you been down there and looked after it in any way before you were married? A We had been there a number of times.
- Q Did you ever give either of your uncles any instructions relative to the conduct of the place? A Oh, yes.
- Q You were perfectly satisfied with the way they kept this place?
- A Why, it went on in cultivation.



- Q And you never got anything out of it? A Never got any money rent.
- Q Well, in the end, you never got anything did you?
- A No, because the land was worn out.
- Q Have you ever had an accounting with your uncles? A I did not.
- Q Never requested one? A No sir. I suppose my mother did. I never thought anything about it after I got married.
- Q Well, how about it before when you only had that one claim?
- A That is all that I owned was that one claim, and I didn't care to keep it in preference to the other.
- Q Have you owned any other property at any other place? Did you own any property in Arkansas? A No sir.
- Q Did your husband? A No sir, he worked on a salary.
- Q Your husband didn't look after this claim in the Choctaw Nation?
- A Why, no, he was seldom there after we were married.
- Q You had fully decided to abandon the first claim of 1889, then?
- Q Yes sir, we had fully decided to take that, but it was just a few months until we decided we wanted the other land.
- Q Did your husband know of the existence of this claim in the Choctaw Nation? A Yes.
- Q Did he ever go there to look about it? A Yes sir, he was there.
- Q Before he got the land in the Chickasaw Nation?
- A Yes, and I told him about it, and he said he didn't want that grade of land.
- Q You have always let your mother look after your business affairs?
- A Yes.
- Q Never looked after it personally? A Yes, but never collected any rents or anything.
- Q Never talked to your uncles about it? A Yes, but let them transact my business for me.
- Q Your mother and they have had a settlement? A Yes sir, my mother had a settlement with them.
- Q Have you finally settled whether they are indebted to you, or you to them? A No, I haven't.
- Q Has your mother? A Yes, I think so.
- Q What makes you think they have? A Well, I have heard them talk about it.
- Q Your father never abandoned his practice in Fort Smith at the time when you removed to the Choctaw Nation? A No. There was no location for him here.
- Q He still had his office in Fort Smith at that time? A Yes sir.
- Q And has lived there all the time? A All the time.
- Q He owns his home there, does he not? A Yes, owns his home there now.
- Q Owns his business property? A Yes.
- Q Been recognized as a citizen of the state of Arkansas?
- A He has never cast a vote.
- Q Never paid poll tax either? A No sir.
- Q When did you first learn that this claim was set aside for you down there in the Choctaw Nation? A In '89.
- Q Who told you about it at that time? A Why, different members of the family told me. It was generally known.
- Q Is your sister, Mary E., living? A Yes, she is living.
- Q Margaret? A Yes.
- Q George? A Yes.

- Q Are any of them married? A No.
- Q Living with their mother? A Yes.
- Q And have been living with their mother all the time?
- A Yes, all the time.
- Q How many claims did your family have in the Choctaw Nation?
- A Three.
- Q Who were they for? A For my mother and myself and my married sister now.
- Q Where was your mother's claim located in reference to yours?
- A They were connected? I don't know the direction.
- Q They were three separate claims were they? A They were supposed to be separate.
- Q You have seen each one of them? A Yes.
- Q What improvements were on your mother's claim? A A house.
- Q What kind of a house? A Had several rooms.
- Q Box house or log house? A Well, it seems it was part log and part boards.
- Q How many acres in cultivation? A I couldn't tell you whether it was sixty or seventy-five or a hundred.
- Q Was there a well on the place? A Two wells, it seems to me.
- Q What kind of improvements were on your sister's place?
- A I don't know.
- Q Was there a house on that? A Yes.
- Q A well and a barn? A Yes. All the improvements that go with a place.
- Q What became of your mother's place?
- A Well, it seems to me it was filed on by different parties, and she had her allotments selected in the Chickasaw Nation. She had got rents from hers.
- Q And you didn't get anything from yours? A Only toward the improvements, that went on the place.
- Q She didn't turn her money into the improvements? A Yes, most of it, but she got some money.
- Q Who sent it to her? A Her brothers.
- Q Both of them? A I think it was from John Toole. Joe looked after it more, but John did most of the corresponding.
- Q How many times after 1889, did you go back down there?
- A Why, I couldn't count the times we went.
- Q When were you there the last time? A Well, I have been there so many times that I just don't remember the last time.
- Q Has it been seven or eight years since you were there?
- A No, not that time.
- Q When was the last time you were there prior to your removal to Chickasha? A That very summer. I was there that summer.
- Q Before you went to Chickasha? A No, after.
- Q What time did you come back to the Choctaw Nation after you were married? A I think it was in July.
- Q July, '98? A Yes sir. We stayed there a while, and then went on out to get his and my improvements there, and in the meantime stopped at Canadian again.
- Q What time was it you went there to make your home there?
- A We went in July.

By Mr. Bond:

- Q Mrs. Terrell, when your parents sold their home in Fort Smith,

- Arkansas, did they talk in the family for what purpose they were disposing of it? A Oh, yes.
- Q Why did they sell it? A So as to take up our allotments there in the Territory.
- Q On the sale of your home, you and your mother immediately moved to the Indian Territory, did you? A Very shortly after.
- Q While you were in the Indian Territory, what property interests did you acquire, if any? A Farms. Farming land.
- Q How old were you at that time? A I was about sixteen.
- Q Did you hear the family say for what purpose they went back to Fort Smith? A Yes sir, purpose of putting us in school.
- Q How many years did you attend school after going back to Fort Smith? A Five or six years.
- Q You lived with your mother and father after you became of age, didn't you? A Yes, until I was married.
- Q You didn't attempt to provide for yourself? A No, not in the least.
- Q They bought all your clothing, etc., for you? A I just lived with them the same as I did when I was a child.
- Q If you had been deriving any rents from the land in the Indian Territory, would you have expected them to board you, and buy your clothing, etc? A No, they would have taken it the same as if it was theirs.
- Q After you were married and came to the Territory, did your husband look after the lands that had been designated here for you in '89? A I think so.
- Q Was he satisfied with them? A No, he wasn't satisfied.
- Q Did he purchase land for himself and family else where? A Yes, near Chickasha.
- Q You moved to Chickasha in July, '98, and have continued to reside there since? A Ever since.
- Q And have taken and held land until filed upon by other parties? A Yes, by other parties.
- Q Do you know how long since your holdings near Chickasha have been filed upon by other parties? A No, I don't remember just when it was.
- Q Something like a year? A It seems to me it is about that long.
- Q Is it your purpose to contest these holdings that have been filed upon by other citizens? A Yes, that is what we are waiting on now.

By the Commissioner:

- Q Didn't Mr. Garland buy this improvement in the Chickasaw Nation for you and your husband before you removed to the Indian Territory in 1898? A Yes, we bought it from him.
- Q Hadn't he bought it before you moved? A No, he had written that he had it in view for us.
- Q Well, didn't he buy it for you? A No, we bought it ourselves. This first land we sold.
- Q Didn't you get any land from Mr. Garland? A Yes, we got land from him, but this place we bought first we sold, and then bought land from Mr. Garland.
- Q When did you buy land from Mr. Garland? A Four or five years ago.
- Q How many years after you moved to the Indian Territory this last time? A We held land all the time.

- Q It was at least 1900 before you got this land from Mr. Garland?  
A Well, I don't remember the time.  
Q It was more than a year? A Yes, more than a year, but I don't remember the time.

By Mr. Bond:

- Q When you first moved to Chickasha, you bought land then, didn't you? A Right after we moved.  
Q And you afterwards sold it, and bought land from Mr. Garland?  
A Several years after, I don't remember the exact time.

(Witness excused.)

FRANK P. MORGAN, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Frank P. Morgan.  
Q How old are you, Mr. Morgan? A I will be fifty-three in August.  
Q What is your postoffice? A Chickasha.  
Q How long have you lived in the Choctaw-Chickasaw country?  
A Since the fall of '75.  
Q Are you an intermarried citizen? A Yes sir.  
Q Are you related to any of the parties in this case?  
A None whatever.  
Q Have you ever testified in this case or given any affidavits in it? A No sir.  
Q How long have you known Mary E. Smith? A Since '88 or '89. I think the spring of '89.  
Q What calls that particularly to your attention?  
A The reason I remember is that I was well acquainted with her father and brothers, and I had a range below them, and I stopped there one morning, and they introduced me to their sister, Mrs. Dr. Smith.  
Q Was she there on a visit at that time? A My understanding was that she had come there to locate her lands; that they had sold out in Fort Smith and was going to take up her lands.  
Q Did you, at that time, ever talk to Mrs. Smith about her moving there? A No sir, I didn't.  
Q Your information then is derived from her brothers?  
A Yes sir, from her brothers.  
Q Are you acquainted with her husband? A I have met Dr. Smith once or twice.  
Q Did she remove her household effects to the Choctaw Nation when she came there in '89? A I don't know.  
Q Did she have any improvements in the Choctaw Nation prior to her removal? A No, sir, I don't know.  
Q Did Mrs. Smith ever say for what reason she came there?  
A I only heard from her brothers.

- Q Did Mrs. Smith ever tell you she had any improvements? A No, she didn't, but her brothers told me all I know about it.
- Q Did he state that this Cooper place was the claim of Mrs. Smith?
- A Yes, that was my understanding.
- Q Did she have any children with her at that time? A She had two little girls.
- Q Only two? A Yes sir.
- Q Do you remember their names? A No sir.
- Q Do you know whether or not they had any claims when there?
- A No sir, I do not.
- Q How long did Mrs. Smith stay there? A She stayed from spring until fall.
- Q Then, what did she do? A She moved to Fort Smith, was my understanding, to educate her children.
- Q Did she tell you that? A She did not.
- Q Well, what did you hear from the brothers or her family was the reason she went back? A To educate her children.
- Q That was the sole reason was it? A Sole reason. There was no school in our country.
- Q Dr. Smith was still practicing his profession in Fort Smith?
- A Yes sir.
- Q What improvements were on that place at that time?
- A There was a small house, two room house, a well, and fifty or sixty acres in cultivation.
- Q Did you know anything about the business relations existing between Mrs. Smith and her brothers? A No sir, I didn't.
- Q After Mrs. Smith left for Fort Smith, did you know whether or not she claimed that place for her improvement? A That was my understanding from him, that is, her brother Joe. He lives right within two or three miles of me.
- Q Who was the tenant on that place at that time? A I believe it was Mr. Cooper. I am not positive though.
- Q Did he continue to stay on there for several years?
- A Yes, he was on there fove years ago when I moved to Lehigh.
- Q You have never at any time had any talk with Mrs. Smith relative to her claim, have you? A No sir, I have not.
- Q Do you know whether or not any of the Toole boys turned over any money from the income of that claim? A Nothing, only what he told me.
- Q What did he tell you? A When his father and mother died, he was administtator, and he divided up the money.
- Q And it was your understanding that this Cooper place was part of the old man's estate? A I don't know whether it belonged to the old man or not.
- Q Well, what did John tell you? A That the children all got interests in the old man's property, but didn't say land or what.
- Q What was the general belief in the neighborhood as to who owned that claim? A As far as I know, the one called the Cooper place was Mrs. Smith's, and the other place she held in common.
- Q Do you know whether or not Mrs. Smith gave any instructions relative to the conduct of that place? A No sir, I don't.
- Q Has she been down there very often that you know of?
- A Yes, been there several times. I have met her several times.
- Q Visiting at her father's? A Yes sir, at her father's.

By Mr. Bond:

- Q Mr. Morgan, was it the general information in the community that Mrs. Smith was the owner of the Cooper place? A Yes sir, as far as I know.

(Witness excused.)

JOHN O. TOOLE, being recalled, testified as follows:

Examination by the Commissioner:

- Q I believe you stated that Mrs. Smith claimed this Cooper place as her claim? A Yes sir.  
Q She owned that individually, did she? A That was designated as her place. My father gave it to her.  
Q Didn't you on April 21, 1902, make an affidavit in which you stated that Mrs. Smith was a joint owner of a farm near Canadian with you? A Yes sir.  
Q How does that come? A Well, we had other lands. She was a joint owner with my father.  
Q At this time, you had never thought of connecting Mrs. Smith with the Cooper place? A At this time, there were several places owned by my father and mother, and I took it upon myself to settle it, and each year after paying these expenses, repairs, etc., I prorated the balance of the rent, and sent it to each one of them.  
Q This was independent of the Cooper claim? A Yes sir, had nothing in the world to do with it.

By Mr. Bond:

- Q Do you know who filed this affidavit in this particular case?  
A No, I don't.  
Q Do you know who drew the affidavit? A No sir, I don't.  
Q Do you know at whose request you signed it? A Yes sir, at the request of Mrs. Smith and Mrs. Terrell, I think.  
Q The joint interest referred to in this affidavit then is interest she had in lands inherited from her father and mother?  
A Yes sir, and every year I sent her her pro rata part of the rent.

By the Commissioner:

- Q What did you do with your father's estate? A Why, we finally sold the old place, but haven't received the payment for it.  
Q Who is in control of it now? A It belongs to a man by the name of \_\_\_\_\_. I can't call his name. He lives over there about Davis. I sold him the place, my brother and I together, but he has not paid for it yet. He wanted to allot a portion of it, and others allotted a portion of it. The land wasn't worth much. The old improvements were pretty well dilapidated.



We didn't want to allot it, and we sold it to this man. My brother is security for it.

By Mr. Bond:

- Q Mr. Toole, did you ever testify in this particular case before?  
A Why, I testified here once before when my sister was here two or three years ago in her first application for citizenship.  
Q Were you asked in that examination to testify in regard to the property interests that Mrs. Smith had acquired in 1869 in the Indian Territory near Canadian? A I don't remember.  
Q You don't know whether or not that question was ever put to you?  
A No, I don't know.  
Q You simply signed the affidavits as prepared by the lawyer for the applicants, did you? A Yes sir.  
Q You never had one prepared yourself? A No sir.  
Q You didn't understand the law in the case, that is, applicable to such cases? A No sir.

(Witness excused.)

ELMER TERRELL, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your full name, please? A Elmer Terrell.  
Q How old are you, Mr. Terrell? A Thirty-six.  
Q Your postoffice? A Chickasha.  
Q Do you claim rights as a citizen by intermarriage of the Choctaw Nation by virtue of your marriage to Louanna Smith? A Yes sir.  
Q When were you married to her? A I married her in Fort Smith under United States law in '97, and afterwards married her under Choctaw law in May '99.  
Q You had never been married before had you? A No sir.  
Q Had she? A No sir.  
Q You were living at Fort Smith at that time? A Yes sir.  
Q Was she living there? A Yes sir.  
Q How long after you married her did you move to the Indian Territory? A Well, I married her in September '97, and July 15, '98, I moved to Chickasha.  
Q And while living at Chickasha, you went and got a Choctaw license, didn't you? A Yes sir.  
Q And were married under it in the Choctaw Nation? A Yes sir, at Hartshorne.  
Q And then went to your home in Chickasha? A Yes sir.  
Q Have you lived in Chickasha ever since that time? A Yes sir, living there now.  
Q Do you know anything about whether your wife ever owned any improvements in the Choctaw Nation prior to your marriage to her?  
A Well, Mrs. Smith told me she had selected land there in '89 for herself and children, and in '98, I went out there and looked



- over the land, and I didn't like it, so I went over there to Chickasha. A place was for sale near Chickasha, and I bought that place.
- Q What time was it you went down to the Choctaw Nation to look at that place? A It was in July, '98.
- Q Where was your wife's claim located at that time? A Why, it was located--I didn't pay much attention--it was called the Cooper place.
- Q Were there any improvements on that place at that time?
- A Oh, yes.
- Q Of what did they consist? A They had a house or houses.
- Q What kind of a house? A I didn't pay much attention to the house. Just a common log house.
- Q Was there a barn? A Just a common barn.
- Q Was the Cooper place pointed out as being the individual claim of your wife? A No, I understood that was Mrs. Smith's.
- Q Well, where was your wife's place? A Well, it was located there about. I think it was called the Wren place or something like that.
- Q How far from the Cooper place was it? A Not very far. You see there was the Toole prairie, and this farm was located by it.
- Q Were there any improvements on your wife's claim?
- A I didn't see that land at all. I didn't like the land, so I went over to Chickasha.
- Q It was your intention to abandon that old place? A My intention after I saw it. I didn't like the quality of land at all, and went over to Chickasha.
- Q How long had you known Mrs. Smith before you married her daughter?
- A I believe it was about two years.
- Q Had you heard of that claim before you married her daughter?
- A No, I never inquired anything about that. I went to Chickasha and bought a place and kept it for five or six years.
- Q When did you buy a place from Mr. Garland? A Right after I sold this place.
- Q What year was that? A I believe it was 1903 or '04.
- Q Did you exercise any control over that claim in the Choctaw Nation after you married Louanna Smith? A No, I didn't think anything about it.
- Q Did you ever hear of your wife deriving any rents or profits from that land? A I think her mother attended to the collecting of the rents.
- Q You never heard of your wife getting anything out of it?
- A Her father gave her seven hundred dollars when we were married. No, I never heard of it, only I heard her father say he spent more on her education than he would ever get back, and after I got this money, I went out to Chickasha and bought my place.
- Q You had known the Smiths' about two years before you married into the family? A Yes, only two years.
- Q The Doctor was practicing his profession in Fort Smith then, wasn't he? A Yes sir.
- Q Did he own his home then? A Yes sir, he owned his home when I met him.
- Q Did he own any other property? A Yes sir, he owned a brick business house.
- Q Did he exercise any rights as a citizen of the state of Arkansas?
- A No sir, he told me he considered himself a citizen of the Choctaw Nation.

- Q Did he ever pay any poll tax? A No sir, I don't think he did.  
Q When did he make this statement that he never voted?  
A He made this statement after we were married that he never had voted. I never had much talk with the Doctor before I was married.  
Q Are these poll tax receipts that I show you here?  
A It looks like it.  
Q For 1900, 1901 and 1902? A It looks that way. You see I never voted much there in Arkansas. I never paid any poll tax myself, at all. He told me he didn't vote.  
Q You didn't know anything about this claim in the Choctaw Nation before you married her? A No, I wasn't interested in it at all.

By Mr. Bond:

- Q Under Arkansas law, wouldn't a man pay poll tax without voting?  
A I don't know. I never paid any poll tax in my life in Arkansas.

(Witness excused.)

MARY E. SMITH, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Mary E. Smith.  
Q How old are you Mrs. Smith? A I am fifty-five years old.  
Q What is your postoffice? A Fort Smith, Arkansas.  
Q What is the name of your husband? A Dr. George W. Smith.  
Q When were you married to him? A I was married in 1869.  
Q What month and day? A January 13.  
Q Where were you residing at that time? A I was residing in Choctaw County, Alabama.  
Q He living there also? A Yes.  
Q When did you remove west? A We removed west--well, I don't know just when.  
Q Along about '70? A Yessir, about '70, I think it was.  
Q You removed to Arkansas, didn't you? A Yes sir, removed to Arkansas, first.  
Q Whereabouts? A Van Buren was our postoffice.  
Q Did you reside there until you moved to Fort Smith? A Yes sir.  
Q When you were admitted by Choctaw Council, were you living at Fort Smith? A Yes sir, I was.  
Q You live in Arkansas? A Yes sir, in Arkansas.  
Q How long after you were admitted did you remove to the Choctaw Nation? A We removed to the Choctaw Nation in 1869.  
Q What property did your husband and yourself own in Arkansas before you moved to the Choctaw Nation? A We owned a home about two and a half miles from Fort Smith, and my husband went in town to his office every morning.  
Q Did you own any city property at any time in Fort Smith?  
A Yes, we did, but we sold that.

- Q When did you sell it? A We sold it in 1889; in the year 1889 when we moved.
- Q How soon after you sold it did you move? A We moved as soon as school was out, in the latter part of May or first of June.
- Q You stayed the remainder of the school year did you?
- A Yes sir, and then moved out.
- Q Now, what month was it you moved to the Indian Territory?
- A It was just as soon as school was out, either the latter part of May or first of June.
- Q Where did you go to? A We went to Canadian.
- Q What was your intention in moving down there? A It was our intention to locate our lands for myself and children.
- Q You had sold your farm in Arkansas? A Yes sir, we had sold our farm in Arkansas.
- Q Didn't you own any property in Arkansas at all when you came here? A No sir.
- Q When was it your husband acquired that store building over there?
- A Well, I have forgotten just the year.
- Q How many years have you owned it? A Well, we have owned it now, I think---
- Q Have you owned it ten years? A I don't think we have.
- Q Well, before you moved to the Choctaw Nation, did you have any claim down there, any property in that country? A No sir.
- Q It was after you went down there that you claim to have acquired some, was it? A Yes sir.
- Q Well, what did you do after you went down there about acquiring property in the Choctaw Nation? A Well, I located my land in the Choctaw Nation for myself and children.
- Q How many children did you have with you then? A Four.
- Q Who did you get this land from? A Why, my father and my brothers located it for me on the Toole prairie.
- Q Part of your father's place, wasn't it? A Yes sir. My father and brothers located my land for me.
- Q Did you request them to do it? A Yes sir.
- Q Well, where is that land located that they selected for you?
- A Well, one place is known as the Cooper place about two and a half miles from Canadian.
- Q Joining your father's place? A Yes sir, my father located my place for me.
- Q Was it already improved when you got it? A Well, there was a fence around the place, and we built three houses on the place, two houses on one place and one on another.
- Q Was all this land in one contiguous tract? A Yes sir, I think it was all under one fence. I had my brothers see about it, because I gave them the right to transact my business.
- Q Did you give them that in writing? A It was not put in writing. It was just verbal. They looked after it for me because I requested them to.
- Q What improvements were on there at that time? A Well, there were not any improvements except a fence.
- Q How about a house on there? A Well, my brothers let out the place to renters, and I had the place improved every year.
- Q How about the house? A Well, we got a place there on improved land and built a house.
- Q What was the place worth every year? A I didn't get very much.

- Q What did you get out of it every year? A Well, I didn't get much money from it at all.
- Q Well, what was your understanding? A Well, I let my brothers manage it and have it improved.
- Q If they had charged a dollar a year, would you have been satisfied with that? A No sir, I would not.
- Q Did you ever at any time have any settlements with your brothers relative to the income from this every year? A Yes sir, we had several settlements.
- Q Have you had a settlement up to date? A Well, I held the land up to 1904, and then people settled on it.
- Q When did you have your last settlement with your brothers? A I think my last settlement was in 1904.
- Q And how much did you get out of it then? A Well, I couldn't tell you how much.
- Q Did you ever keep an account of the transactions you had with your brothers? A No, I never kept any writings or anything like that.
- Q They held it as your place, did they? A Yes, transacted it, and held it for me.
- Q Isn't your husband a capable business man? A Yessir, he is, but then he is not a citizen by blood.
- Q But doesn't he tend to his own business? A Yes sir, he does.
- Q Wouldn't he have been able to carry on your business for you? A Yes, but he had to stay in Fort Smith and follow his profession to make a living for myself and the children.
- Q You never did get any money out of it? A No, the money went to fix up the place.
- Q Did you ever get any money outside of your father's estate from this land? A No, I never did.
- Q You couldn't state whether or not your brothers are indebted to you or you to them in the management of this place? A Why, I left it entirely with them.
- Q You never had any supervision over it at all? A Well, I only went out from time to time, but left that to my brothers entirely.
- Q Did you ever give any instructions to them as to what to put on it? A Yes sir, I told them what I wanted to be done, and they put the improvements on it.
- Q When were you there last? A When I made a visit there.
- Q Every year? A Yes, I think I was there every year.
- Q What improvements were on there in 1889? A Well, I had two houses on one place, one a small house, and a small house on the other. The houses were not sufficient for me and my children, so I lived at my father's home.
- Q Do you know the names of your tenants who were on there during the years intervening between 1889 and 1902? A Well, the Coopers lived on one place, and Winn on the other.
- Q Whose claim was the Winn place? Was that yours too? A Well, I don't know which one of my children that was located for. My father located it for me for one of my children.
- Q The way it turned out, you never got anything out of it at all? A Yes, I consider I got something out of the one.
- Q Well, what did you get out of the improvements? Did you sell them? A Yes.
- Q Who did you sell them to? A Well, my brother got part of my place.

- Q You are not positive that he got part of that place?  
A Yes, I think he did.  
Q Do you know whether or not he got part of one of your places?  
A Yes sir, My brother got part of one of my places.  
Q What gives you that idea? A I heard him say so.  
Q When did you hear him say that? A Well, I couldn't tell you when, but then we gave up our land, because we preferred land in the Chickasaw country.  
Q When did you take that idea? A Well, my husband preferred that land.  
Q Well, when did you get that idea? A Well, that improved land was settled on in 1904.  
Q It was since then that you got the idea that you wanted land in the Chickasaw Nation? A Well, in '99, I had located land in settlement for some of my children in the Chickasaw Nation.  
Q For what children in the Chickasaw Nation? A Well, I have a boy. I have five children. I had four at that time, and then I have a boy about twelve years old, and we wanted land for all of our children, and my husband spoke to be carried on the rolls too.  
Q Do you claim any improvement down there in the Chickasaw Nation?  
A Yes sir.  
Q Since when? A Since '99.  
Q Did you give up the idea of keeping that land in the Choctaw Nation since then? A Well, my son-in-law didn't want his land in the Choctaw Nation, so he went to the Chickasaw Nation, and I took my allotment of land down there too.  
Q Did any of your children get any of the revenue out of the land you claimed for them in the Choctaw Nation? A Well, I suppose you might call it getting it, but we put it right into the place.  
Q Did you ever get any money out of this place? A I got money from time to time.  
Q From your father's estate? A Well, from the personal property of my mother's estate.  
Q When did your mother die? A My father died in '91. My mother died about in '97.  
Q Did you claim the Cooper place as your individual claim?  
A Yes sir, that was my individual place.  
Q What claim was it you claimed for your children?  
A Well, there was a good deal of land in that place.  
Q Well, answer my question. What land did you claim for your children? A Well, I claimed the Cooper place as mine and my children's too, and the Winn place too.  
Q Had you any particular division of the land?  
A No sir, had no particular division of the lands.  
Q You didn't know the place at all? A Yes sir, I knew the place. Been on it many a time.  
Q You returned to Fort Smith in September, 1889?  
A Yes sir, we returned there. My husband came out, Dr. Smith, that summer, and found there was no school.  
Q Did he, or did he not, go there with the purpose of bringing you back? A No sir, he came for the purpose of instructing me in fixing my improvements.  
Q How long did he stay? A He stayed for a period of about a month.



- Q Had he given up his practice in Fort Smith? A No sir, he retained his office in Fort Smith, and he saw there was no schools there, so he just moved us back.
- Q Hadn't you before your removal there been in correspondence with your people? A Yes sir.
- Q Didn't you know the conditions of the country around there? A Well, yes, but my father and mother had reside their family, and we had an interest in our children that they could not see into, and we just had to educate your children, so we moved back and put our children in school.
- Q Do you know your home in Fort Smith now? A Yes sir.
- Q How long have you owned it? A About five years. We sold our home in town. We are living out from Fort Smith about half a mile. We owned a home in town, but have left it.
- Q How long ago since you bought that? A Well, I don't know the time of the year.
- Q About how many years? A Well, it has been---
- Q Didn't you buy it as soon as you returned from the Choctaw Nation? A No sir. Well, I don't know how long after we returned we bought a place.
- Q Was it as much as ten years after you returned? A Yes sir, I think so. I don't know exactly, but my husband went back and fixed up a place for us.
- Q Who owned that place? A My husband.
- Q He owns a store building over there, doesn't he? A Yes.
- Q What other property does he own in Fort Smith? A Well, he owns two store buildings, and that is the only property we own.
- Q Does he own any farm over there? A No sir.
- Q Those two claims that were down there near Canadian were once all your family claimed, were they not? A Yes sir, but we settled a claim for all my children. My father located that for my and these two older children.
- Q There was no particular designation as to which was yours and which the childrens'? A Yes the Cooper place was mine, and the children had one together.
- Q Was the Winn place yours in common also? A Yes sir, that was another claim we settled. I left my brothers here to see about it. My husband hadn't anyfarm.
- Q You don't know how much rent went into these Choctaw claims for improvements? A No sir, I don't know, how much, but there had been improved about sixty acres in one place and about forty in another.
- Q That is all that has been improved since 1889? A Yes sir, I never paid much attention to it.
- Q Have you expended any money on these places? A No sir.
- Q Have you ever expended any out of your own purse? A No sir.
- Q Have your brothers done so? A Not that I know of.
- Q Mrs. Smith, I believe you stated that you and your husband sold your property interests in Arkansas in the year 1889, and took up your residence in Indian Territory near Canadian?
- A Yes sir.
- Q That you resided there for a few months and then returned to Fort Smith for the purpose of educating your children? A Yes sir., returning to the Territory annually.
- Q You have continued to have children in school there from the time you went back until now? A Yes sir, I have.

- Q You have one in school now? A Yes sir, I have two.  
Q On your return to Fort Smith, you stated you rented property and schooled your children there? A No sir, Doctor began to build and we moved into our place before it was finished.  
Q Did you still own that place when you went to the Choctaw Nation?  
A No sir.

By Mr. Bond:

- Q You continued to go to the Indian Territory where your lands were during the summer vacation? A Yes sir.

(Witness excused.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, upon oath states that she reported the proceedings had the 18th day of April, 1906, in the above entitled cause, and that the above and foregoing is a complete translation of her stenographic notes taken at said time.

Lenora B. Ashton.

Subscribed and sworn to before me this 24th day of April, 1906.

H. S. Hawkins

Notary Public.



KNOW ALL MEN BY THESE PRESENTS, that I Chas. Colbert, of Durant, I.T. in consideration of the sum of Two thousand dollars, to me paid by D.N. Garland, Dr. G.W. Smith, L.B. Cochran, and J.Y. Toole, all citizens and members of the Choctaw tribe of Indians, the receipt of which is hereby acknowledged, do hereby release, remise, and forever quitclaim unto the said D.N. Garland, Dr. G.W. Smith, L.B. Cochran, and J.Y. Toole, all that tract or parcel of land situated and described as follows, to-wit:-

Commencing at a point about six miles south of the town of Minco, in the Indian Territory at a crossing on the Chicago, Rock Island and Pacific Railway, thence east about 2 and 3/4 miles thence south 3/4 of a mile, thence east one and 1/2 miles, thence south 1/2 mile, thence east two miles to Kirkendall's fence, thence south about 3 and 1/2 miles to Dr. Dunn's place, thence west about six miles to the Chicago, Rock Island and Pacific Railway fence, thence along said Chicago, Rock Island and Pacific Railway fence to the place of beginning, together with all fences and improvements of every description now on said premises.

To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging, to the said D.N. Garland, Dr. G.W. Smith, L.B. Cochran, and J. Y. Toole, and their heirs and assigns, to their use and behoof forever.

In witness whereof the said Chas. Colbert hereunto set his hand this 27th of June, 1899.

(Signed) Charley Colbert

In presence of

B. D. Davidson

E. B. Homers.

Indian Territory, :

:ss.

Southern District. :

On the 27th day of June, 1899, before me, a Notary Public

within and for the \_\_\_\_\_ District of the Indian Territory, appeared in person Chas. Colbert to me personally known as the person whose name appears upon the above deed of conveyance as party grantor and stated that he executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby certify.

(Signed) Algerl Aelton

S E A L

Notary Public.

My commission expires Feb. 17, 1903.

Josephine R. Pratt, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Josephine R. Pratt

Subscribed and sworn to before me this 19th day of April, 1906.

Edward Merrill  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of

George W. Smith, et al.,	7-D-87,
Louanna Smith Terrell,	7-434,
Elmer Terrell,	7-D-296.

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D E C I S I O N.

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It appears from the census card records in this case that on October 20, 1898, George W. Smith appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Smith, and their minor children, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and that on October 20, 1898, Elmer Terrell appeared before said Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood of the Choctaw Nation.

Additional proceedings were had in the matter of said applications at Muskogee, Indian Territory, on October 16, 1902, and at Wister, Indian Territory, on December 15, 1902.

October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision in the matter of said applications, denying the applications for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage of the Choctaw Nation, and the applications for the enrollment of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of said nation, and that said decision was affirmed by the Secretary of the Interior on July 19, 1905, (I.T.D. 11612-1904).

January 31, 1906, Henry W. Blair of Washington, D. C., and Bond & Helton of Chickasha, Indian Territory, attorneys for the applicants, filed with the Department a motion supported by affidavits, praying that a rehearing of the case be granted, and an opportunity given the applicants to furnish additional evidence in support of their applications for enrollment as citizens of the Choctaw Nation.

The Department on March 13, 1906 (I.T.D. 83, 235, 1277-1906), rescinded its action of July 19, 1905, affirming the decision of the Commission adverse to the applicants, and directed the reopening of said case for a further hearing touching the residence and property interests in the Choctaw Nation of the applicants herein.

March 21, 1906, in pursuance of Departmental instructions, this office advised the applicants herein, their attorneys of record and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of the action of the Department, and notified them that on Wednesday, April 18, 1906, at nine o'clock A. M., the Commissioner would at his office at Muskogee, Indian Territory, hear such testimony as might be submitted by the applicants and the attorneys for the Choctaw and Chickasaw Nations.

April 18, 1906, additional proceedings were had in the matter of said applications in accordance with the notices aforesaid mentioned.

It appears from the record herein that the applicants, George W. Smith, Mary E. Smith and Louanna Smith Terrell, were admitted to citizenship in the Choctaw Nation by an Act of the Choctaw National Council approved October 20, 1877. The applicants, Mary D. Smith, Margurite Smith and George Smith, are the off-spring of said George W. Smith and Mary E. Smith, and were born subsequent to the Act admitting their parents.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith are identified upon the 1890 Choctaw Census Roll, To bucksy County, opposite numbers 11314, 11315, 11317, 11318 and 11319, respectively, enrolled thereon as citizens by blood of said nation, and that the applicant, George W. Smith, is identified on said roll, Tobuckay County, opposite number 15041, enrolled thereon as a citizen by intermarriage of said nation.

It appears from the record herein that George W. Smith was on January 17, 1869, lawfully married to the applicant, Mary E. Smith; that at the time of said marriage, both of said persons were residents of the State of Alabama; that in about the year 1870, they removed therefrom to the State of Arkansas, where said George W. Smith has continued to reside, up to and including September 25, 1902, with the exception of temporary visits at different periods to the Indian Territory. The evidence further shows that George W. Smith has at no time owned any property interests in the Indian Territory prior to June 28, 1898, and that his residence and place of business for the past fifteen years have been at Fort Smith, Arkansas.

As to Elmer Terrell, the evidence herein shows that he was married to the applicant, Louanna Smith Terrell, under the laws of Arkansas on September 1, 1897; that at the time of said marriage, both of said persons resided at Fort Smith, Arkansas; that on July 15, 1898, they removed to the Chickasaw Nation, where they continued to reside, up to and including September 25, 1902. The evidence further shows that on May 1, 1899, while residing in the Chickasaw Nation, the applicant, Elmer Terrell, was remarried under the laws, customs and usages of the Choctaw Nation to his wife, Louanna Smith Terrell.

As to the physical residence of the applicants, Mary E. Smith and Louanna Smith Terrell, the evidence in this case shows that in May, 1889, Mary E. Smith, after disposing of some property belonging to her and her husband, George W. Smith, removed from Fort Smith, Arkansas, to the home of her father near Canadian, Choctaw Nation, Indian Territory, for the purpose of taking up her residence in the Indian Territory; that she was accompanied by her two children, Annie (the applicant, Louanna Smith Terrell) and Ollie (not an applicant in this case); that Mary E. Smith continued to reside with her father at Canadian, Indian Territory, until September, 1889, when she returned to Fort Smith, Arkansas, for the purpose of placing her children in the public schools of that city; and that she and her children have continued to reside in Fort Smith, Arkansas, continuously from September, 1889, until after June 28, 1896, with the exception of occasional visits to the home of Mrs. Smith's father near Canadian, Indian Territory.

Inasmuch as the testimony relative to the property owned by Mary E. Smith and her children in the Choctaw-Chickasaw country is somewhat conflicting, the testimony of each witness relative thereto will be set forth in detail.

J. Y. Toole testified that on the removal of his sister, Mary E. Smith, to the Choctaw Nation in 1889, his father set aside three claims (adjoining that of his father) for her and her two children, Louanna Smith Terrell and Ollie Critz; that the claim set aside for Mary E. Smith was known as the "Cooper place", but as to the other two claims, he did not know which one belonged to Louanna Smith or Ollie Critz; that upon the return of Mary E. Smith and her children to Arkansas, he, together with his brother, John O. Toole, continued until 1904 to exercise control over said claims, maintaining tenants thereon, and collecting rents therefrom as agents for Mrs. Smith. He, at first, testified that he and his brother had from time to time remitted part of the rent money derived from this claim to the applicant, Mrs. Smith, the remainder being applied to the payment of the improvements placed thereon by the tenants, but subsequently he testified that no money was ever remitted to Mrs. Smith. He further testified that while he and his brother were acting as agents for Mrs. Smith, they had no accounting with her, and does not know whether they are indebted to her or she to them; that after the marriage of the applicant, Louanna Smith Terrell, to the applicant, Elmer Terrell, the witness and his brother continued to have charge of the claim selected for her, and no accounting was ever made therefor to either of them; and that since 1904, these claims have been filed on by parties unknown to the witness.

G. W. Newton testified that he had been a resident of Canadian, Indian Territory, since 1886; that in 1889, during the time that Mrs. Smith was visiting her father, the latter informed him that he had selected three claims, adjoining that of his own, for Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz; that he at said time designated to him the claims selected for each one of said applicants; and that since said time, John Toole and Joe Toole have exercised complete control over these claims.

John O. Toole testified that about a year before the removal of his sister, Mrs. Smith, to the Choctaw Nation, his father

set aside from his claims for Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz, two claims, the "Cooper place" for Mrs. Smith and the "Winn place" for her two children; that during his father's life time, the latter continued to improve said claims, and after his death in 1881, the witness and his brother had charge thereof as agents of Mrs. Smith, and from time to time remitted rent money to her; that about three years ago, he purchased from Mrs. Smith the improvements on the "Winn place" for \$150.00, and on selecting his own allotment, he filed on a part of the "Cooper place", without paying anything for the improvements located thereon; and that no final settlement has been made with Mrs. Smith or Louanna Smith Terrell relative to the income from any of these claims.

M. E. Hightower testified that she resided near Canadian, Indian Territory in 1889, removing therefrom in 1890; that she recollects that during the year 1889, Mrs. Smith and her two children, Louanna Smith Terrell and Ollie Critz, came to the Choctaw Nation from Fort Smith, Arkansas; and that sometime subsequent thereto, she overheard Mr. Toole, a brother of Mrs. Smith, inform her husband that claims had been selected for Mrs. Smith and her children.

Wiley Adams testified that he resided at Canadian, Indian Territory; that in 1889, Mrs. Smith and her two children removed from Fort Smith, Arkansas, to Canadian, Indian Territory; that he had been informed that certain claims, adjoining those of Mrs. Smith's father, had been set aside for Mrs. Smith and her two children.

Robert Turner testified that in 1889 he was residing near Canadian, Indian Territory; that about that year Mrs. Smith and her children removed to said place from Fort Smith, Arkansas; that he had been informed by a member of the Toole family that the "Cooper place" had been set aside for Mrs. Smith; that the "Cooper place" derived its name from a Mr. Cooper, a non-citizen, who was living thereon as a tenant; that he does not know what became of the "Cooper place", but it was his understanding that it was disposed of by some of the Toole heirs; and that he does not know of the business relations existing between Mrs. Smith and her brothers, J. Y. and J. O. Toole.

Louanna Smith Terrell testified that she was thirty-three years of age; that in 1889, she, together with her mother and three sisters, removed from Fort Smith, Arkansas, to Canadian, Indian Territory; that in 1889 or prior thereto, a separate claim was selected for her, her mother and her sister, Ollie Critz, adjoining the claim of her grandfather, Mr. Toole; that her claim was managed by her uncles, J. Y. and J. O. Toole; that she has never received any rents or profits from said claim, nor has she at any time had an accounting with either of her uncles relative to the management of said claim.

Mary E. Smith testified that in 1889, after her removal from Fort Smith, Arkansas, to Canadian, Indian Territory, her father, Mr. Toole, set aside for her as her claim an improvement known as the "Cooper place"; that claims were also selected for her children, but she does not know for which one of them any particular "claim" was designated. She first testified that she had from time to time received rents out of these claims, and that the last settle-

ment with her brothers, who acted as her agents, was made in 1904. Subsequently, however, she stated that she had never at any time received any cash rent from any of these claims; and that she left the supervision of these claims to her brothers, and does not know how much rent was derived from them, or whether or not she is indebted to them or they to her.

I am of the opinion that the preponderance of the evidence establishes that the applicant, Mary E. Smith, and her children were not residents in good faith of Indian Territory on June 28, 1898; that they possessed no property interests located therein prior to said date; and that the improvements claimed by them were a part of the estate of Mr. Toole, father of Mary E. Smith.

I am further of the opinion that the decision of the Commission to the Five Civilized Tribes rendered October 15, 1904, denying the applications for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of the Choctaw Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), should be affirmed and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUN 5 1906



COPY.

Choctaw D 87

Muskogee, Indian Territory, October 27, 1902

George W. Smith,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you state that you have no new evidence to offer and in which you desire to be advised if it is necessary for you to again appear before the Commission.

In reply to your letter you are advised that it appears from our records that George W. Smith, of Fort Smith, Arkansas, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation.

You are further advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902, and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.



G W S 2

It will therefore be necessary that you personally present yourself before the Commission at one of the appointments specified in the circular enclosed you herewith in order that your status as an intermarried citizen of the Choctaw Nation on September 25, 1902, may be determined.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

Enc. circular

COPY.

Chectaw D 87

Muskogee, Indian Territory, January 5, 1903.

George W. Smith,

Fort Smith, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of receipts for poll tax for the years 1901 and 1902, paid by you under protest, together with statement of George T. Harrell, Collector, and the same have been filed with the record in the matter of your application for enrollment as an intermarried citizen of the Chectaw Nation.

Respectfully,

SIGNED *Tame Bixby.*

Acting Chairman.

COPY.

7-D-296

Muskogee, Indian Territory, March 20, 1903.

C. G. Potter,  
Attorney at Law,  
Gainesville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing a brief in the matter of the application of Elmer Terrell for enrollment as an intermarried citizen of the Choctaw Nation. The same has been filed with the records of the Commission and will be considered in the final disposition of this case.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

COPY.

Choctaw D 87  
Choctaw D296

Muskogee, Indian Territory, April 3, 1903.

Elmer Terrell,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, relative to the application for enrollment as citizens of the Choctaw Nation of Dr. G. W. Smith, his wife, Mary E. Smith, and his children, and your wife, Louana S. Terrell.

In reply to your letter you are advised that it appears from our records that George W. Smith, Mary E. Smith, Mary D. Smith, Margurite Smith and George Smith, Elmer Terrell and Louana S. Terrell, are applicants to this Commission for enrollment as citizens of the Choctaw Nation, but their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases the applicants will be notified of the action of the Commission.

Respectfully,

SIGNED

*T. B. Needles*

Commissioner in Charge.

COPY.

Choctaw D 87

Muskogee, Indian Territory, April 20, 1903.

Potter, Barefoot & Carmichael,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 15, inclosing affidavit of D. N. Garland, which you offer in support of the application of G. W. Smith, et al. for enrollment as citizens by blood of the Choctaw nation, and the same has been filed with the record in this case.

Respectfully,

SIGNED *Jams Bixby.*

Chairman.

COPY.

Choctaw D 87

Muskogee, Indian Territory, April 28, 1903.

Mary E. Smith,

Fort Smith, Arkansas,

Dear Madam:

Receipt is hereby acknowledged of the affidavit of John O. Toole, relative to a farm located near Canadian, Indian Territory, which he alleges is owned jointly by yourself and the said John O. Toole, and the same has been filed with the record in your case.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

COPY.

7-D-87.

Muskogee, Indian Territory, April 30, 1903.

George W. Smith,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of John O. Toole, which you offer in support of the application for enrollment as citizens of the Choctaw Nation of George W. Smith, et al., and the same has been filed with the record in your case.

Respectfully,

SIGNED *Tame Dixby*

Chairman.



COPY.

7-D-87

Muskogee, Indian Territory, October 15, 1904.

George W. Smith,

Fort Smith, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, refusing the application for the enrollment of yourself, as a citizen by intermarriage, and of your wife, Mary E. Smith, and children, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of the Choctaw Nation.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*Tamc Dixby.*

Chairman.

Registered.

Incl. 7-D-87

7-D-296  
7-434

Wichita, Indian Territory, October 11, 1904.

Wm. R. Terrell,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 13, 1904, refusing the application for enrollment of yourself, as an intermarried citizen and of your wife, Louanna Smith Terrell, as a citizen by blood of the Choctaw Nation.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

Incl. 7-D-296.

7-D-87

COPY  
Muskogee, Indian Territory, October 15, 1904.

Meacham & Bryant,  
Attorneys at Law,  
Fort Smith, Arkansas.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision refusing the applications of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood of the Choctaw Nation.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*James Bixby.*

Chairman.

Registered.

CO.

7-D-296

Muskogee, Indian Territory, October 16, 1904.

V. W. Riddle,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision refusing the application of Elmer Terrell for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further notified that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dixey.*  
Chairman.

Registered.

7-434  
7-D-236

CPY:

Muskogee, Indian Territory, October 15, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, refusing the applications of Elmer Terrell for enrollment as a citizen by intermarriage, and of his wife, Louanna Smith Terrell as a citizen by blood of the Choctaw Nation.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamc Kirby.*

Chairman.

Registered.

7-434  
7-D-296

Muskogee, Indian Territory, October 15, 1904.

Potter & Potter,  
Attorneys at Law,  
Gainesville, Texas.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, refusing the applications of Elmer Terrell for enrollment as a citizen by intermarriage, and of his wife, Louanna Smith Terrell as a citizen by blood of the Choctaw Nation.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. J. D. [Signature]  
[Stamp]

Chairman.

Registered.

Muskogee, Indian Territory, October 15, 1904.

COPY:

Potter, Barefoot & Carmichael,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision refusing the applications of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood of the Choctaw Nation.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tame Bixby.*

Chairman.

Registered.



7-D-87

Muskogee, Indian Territory, October 15, 1904.

COPY

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, refusing the applications for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood of the Choctaw Nation.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

REIGNED

*Tams Dixby.*

Chairman.

Incl. 7-D-67.

Waskogee, Indian Territory, October 31, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for enrollment of George W. Smith, his wife, Mary E. Smith, and minor children, Mary D. Smith, Margurite Smith and George Smith; Louanna Smith Terrell and Elmer Terrell, as citizens of the Choctaw Nation, including the decision of the Commission, dated October 15, 1904, refusing said applications.

There is also transmitted herewith for the consideration of the Department in connection with this case, the brief of Potter & Potter, Attorneys at Law, on behalf of applicants.

Respectfully,

SIGNED

*T. B. Nardler*

7-D-87

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

43  
D-C-35590.

Land.  
77944-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, November 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report fr<sup>om</sup> the Commission to the Five Civilized Tribes, dated October 31, 1904, transmitting the record in the consolidated applications for the enrollment as citizens of the Choctaw Nation by George W. Smith for himself as a citizen by intermarriage, and for his wife Mary E. Smith, and their children, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood; by Elmer Terrell for himself as a citizen by intermarriage, and for his wife Louanna Smith Terrell, as a citizen by blood.

October 15, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, George W. Smith, Mary E. Smith and Louanna Smith Terrell were admitted to citizenship in the Choctaw Nation by an act of the General Council of said Nation approved October 20, 1877. The applicants Mary D. Smith, Margurite Smith, and George Smith are the children of George W. and Mary E. Smith and were born subsequent

#2

to the date of the act admitting their parents.

It further appears from the record that none of the applicants had removed to and in good faith settled in the Indian Territory on or before June 28, 1898.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.

V.

Chickasha, I. T. 4/ 4 1905.

Hon. E. A. Hitchcock  
Secretary of Interior  
Washington  
D C

Dear Sir:

Referring to my Choctaw case now pending before you combined with that on George W. Smith, et al., I wish to refer you to our tribal status.

We established our citizenship in the Choctaw Nation on Oct. 20th 1877 when the General Council of Choctaw Nation admitted us as citizens by blood of the Choctaw Nation, after this act the tribal authorities placed on the roll as truly recognized citizens of said nation.

Our names appear on the Choctaw tribal census roll of 1896 which was confirmed by Act of Choctaw Council and Congress of the United States. During all these years since 1877, we have enjoyed all privileges as other citizens. We have been allowed to hold our homes and enjoy all benefit without any protest from any tribal authority.

The aim and general policy has always been that where an Indian by blood has a tribal status and is recognized by the Choctaw and Chickasaw Nations as citizens no objections should be made

and they should be enrolled.

The reason my father Geo. W. Smith was not living in territory on June 28th 1898 was because his profession as a specialist on ear, eye, nose and throat warranted him being at Ft. Smith, Ark. which right on the line of the Choctaw Nation and really part of the Choctaw Nation was right in the city and under the citys police jurisdiction.

In the meantime we were landholders and keep up our tribal relations and annually collected our rents from our home.

My father being a physician and wished to school us children he saw no reason by living in Ft. Smith temporarily that it would deprive him and his family of the rights that the Choctaw Nation and the United States had given us.

We could have moved back to the nation before June 28th 1898 but we thought as our tribal status and recognition was so perfect with the Choctaw Nation - that the residence question in the Curtis law did not refer to recognized citizens of the tribe.

Had we not been on the 1896 tribal and had not been admitted by the Choctaw General Council and had been recognized by tribal authority - - then our citizenship might have been questioned on the June 28th 1898 law - But as our tribal status now stands, I dont see that this objection can stand against us and deprive us of our inheritance and birthright.

All my uncles, aunts cousins are enrolled and filed -  
All my relations were were admitted in the same act of Council  
that made us citizens.

Now is it fair to give all these people who are blood  
kin to me their homes and lands and take ours away from us just on  
a mere technicality.

I have inherited my home here in the Indians country  
through previous treaties with the United States and mainly through  
the blood of my great grand mother -- Milly Yates whose name and  
record as a Choctaw there is no dispute. You have her record in  
your office. Refer to Act of Congress 1836, and Refer to comple-  
mentary treaty of 1830 which proves it. I have proven before Dawes  
Com this Milly Yates is my great grand mother.

Now Mr. Hitchcock please hear my appeal. Please save our  
homes and give us our God given birthright. I am an Indian by  
blood and no objection by either Choctaw or Chickasaw Nations.

Green McCurtains letter and also Mansfield McMurray &  
Cornish letter testifies that there is no objection and I can send  
you 5000 names of Choctaws & Chickasaws who would say the same.

Please save our homes in this Indian country is my prayer.

Very Resp

Louanna Smith Terrell

Choctaw #434.



Indorsements on back of foregoing letter:

Please file in the case of  
George W. Smith et al.  
Choctaw.

Department of the Interior,  
Received Apr. 3, 1905.  
No. 3273.  
Indian Territory Division.

Department of the Interior,  
Dec. 5, 1905.  
Returned with No. 17842  
Inclosure 6. Ind. Ter. Div.

Chickasha, I. T. 5/ 14 1905.

Hon. E. A. Hitchcock  
Secretary of Interior  
Washington  
D. C.

Dear Sir:

I have just read your decision rendered by the assistant attorney general Mr. Cambell in the Coleman Choctaw case.

Please note his opinion on Choctaw Council Cases.

In the George W. Smith et al Choctaw case now pending before you the records will show that we were admitted to citizenship by act of the General Council of the Choctaw Nation Oct. 20th 1877 and said act was never repealed by that body of legislature and is therefore in full force to day. And no fraud is charged by the nation against us. We are Choctaw Indians by blood, and on the June 10th 1896 tribal Census rolls as Indians by blood:

The Dawes Commission charges that we had not removed to and in good faith settled in the territory on or before June 28th 1898. This assertion is not in line with our records in the case. My fathers evidence shows conclusively that his family had lived in the Choctaw Nation with my grandparents (namely Alfred and Belinda Toole sometime in the 1880's 1889 I think) you have affidavits from my uncle John Toole which states that his sister Mary E. Smith (who is my mother) has been a land holder in the Choctaw Nation for 15 years.

Also you have one from D. N. Garland which states the same things.

The Choctaw Nations had a perfect right to admit citizens to citizenship and the U. S. ought not annul the nations naturalization rights unless fraud is found. Our family had never abandoned their rights. Our homes have been in the nation proper since our admittance to citizenship. My father being a Doctor and wanting to educate his children did not have any idea that living right on the line of the Choctaw Nation at Ft. Smith Ark would deprive his family of their inherited rights.

He thought and believed that the laws of naturalization in the Choctaw Nation would be observed the same as other nations.

After the United States admits any person to citizenship dont this person have a perfect right to go to any other country for educational purposes and still be a citizen of the U. S?

We had never abandoned our allegiance to the Choctaw Nation.

If all my blood relatives namely John Toole, Joseph Toole Inez Garland Mrs. J. D. Chastain Mrs. Selina Dun, Wm. Dun Mrs. J. R. Harris all who were admitted in the same act of Council as our family are enrolled, why not admit my family? This Indian land by previous treaties was given to us.

My name was confirmed by Congress June 10th 1896 and we have been recognized as bonifide citizens by blood since Oct. 20th

1877. After all these years having enjoyed the privileges of citizenship from the Choctaw Nation it seems now that it is a late time for the Dawes Com. to say that we are not citizens when past history and records show that we are citizens not disputed by my own tribe.

The Dawes Commission claims that our case is identical with my sister Belinda Critz. Two years ago, the Commission denied her enrollment and the same was affirmed by you. At that time you had made no special rulings on these Council Cases, and besides my sister being not financially able to employ an attorney her case went without any representation before you. Every case since has been in her favor. She was admitted by the Choctaw Council Oct. 20th 1877 and her name appears on the 1896 tribal census Roll as an Indian by blood, and surely an Indians by blood ought to have the preference over such persons as Wiley Adams, Coleman and others who the Daws Commission denied enrollment and you afterwards reversed them and enrolled them on the ground of their admittance by an act of the Choctaw Council.

Now Mr. Hitchcock please do not deny us our legitimate inheritance which we inherit from my own great grand mother Milly Yates. We are Choctaw Indians you can trace my blood from Milly Yates to me. You have her records and you have mine.

Very Resp

Louanna Smith Terrell.

Combined with the case of George W. Smith et al., Choctaw Case.

Indorsed:

Department of the Interior,  
Received Apr. 18, 1905.  
No. 3573.  
Indian Territory Division.

Department of the Interior,  
Dec. 5, 1905.  
Returned with No. 17842.  
Inclosure No. 1 Ind. Ter. Div.

D.C. 35590-1905.

H.C.F.

DEPARTMENT OF THE INTERIOR,

I T D 11612-1905.  
J. W. H.

WASHINGTON, July 19, 1905.

Commissioner to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On October 31, 1904, the Commission to the Five Civilized Tribes transmitted the record in the Choctaw enrollment case of George W. Smith, et al., involving the applications of George W. Smith for the enrollment of himself as a citizen by intermarriage and his wife, Mary E. Smith, and their children, Mary D., Margurite and George Smith, as citizens by blood, of the Choctaw Nation; also of Elmer Terrell for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood.

The record shows that subsequent to the original hearing application was made for the identification of the applicants Mary E. Smith, Mary D. Smith, Margurite Smith and George Smith and Louanna Smith Terrell, as Mississippi Choctaws. Their right to be so identified is not passed upon in the Commission's decision.

On October 15, 1904, the Commission held that the applications for the enrollment of George W. Smith and Elmer Terrell

#2

as citizens by intermarriage of the Choctaw Nation, and of Mary E. Smith, Louana Smith Terrell, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of said nation, should be denied.

Reporting November 12, 1904, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

The Department desires to know whether the application of certain of these applicants for identification as Mississippi Choctaws has been passed upon by the Commission, and it is requested that you report thereon as early as practicable.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.



7-D-87

Muskogee, Indian Territory, August 4, 1905.

COPY.

George W. Smith,

Fort Smith, Arkansas,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the application for the enrollment of yourself as a citizen by intermarriage, and of your wife, Mary E. Smith, and children, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.

7-D-296  
7--434

Muskogee, Indian Territory, August 4, 1905.

Elmer Terrell,

Chickasha, Indian Territory,

COPY.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the application for the enrollment of yourself, as a citizen by intermarriage, and of your wife, Louanna Smith Terrell, as a citizen by blood, of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.

7-D-27  
7-D-286  
7-434

Muskogee, Indian Territory, August 4, 1905.

Menahan & Bryant,

Attorneys at Law,

Fort Smith, Arkansas,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes dated October 15, 1904, refusing the applications for enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

7-D-296

Muskogee, Indian Territory, August 4, 1905.

F. E. Riddle,

Attorney at Law,

Chickasha, Indian Territory.

COPY.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the application of Elmer Terrell for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

*Jane Birt*

Commissioner.

7--434  
7-D-236

Muskogee, Indian Territory, August 4, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

COPY.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the applications for enrollment of Elmer Terrell, as a citizen by intermarriage, and of his wife, Louanna Smith Terrell, as a citizen by blood, of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.

7--434  
7-D-296

Muskogee, Indian Territory, August 4, 1905.

COPY

Potter & Potter,  
Attorneys at Law,  
Gainesville, Texas,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the applications for enrollment of Elmer Terrell, as a citizen by intermarriage, and of his wife, Louanna Smith Terrell, as a citizen by blood, of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.

7-D--87  
7-D-296  
7---434

Muskogee, Indian Territory, August 4, 1905.

Potter, Barefoot & Carmichael,

Attorneys at Law,

Chickasha, Indian Territory,

COPY.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 15, 1904, refusing the application for enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Bixby*

Commissioner.



7-D--87  
7-D-286  
7--434

Muskogee, Indian Territory, August 4, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory, **DOF**

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, ~~dated~~ October 15, 1904, refusing the applications for the enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

Respectfully,

**SIGNEI**

*James Bixby*

Commissioner.

COPY.

Muskogee, Indian Territory, August 9, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

In compliance with your request of August 7, 1905, there is inclosed herewith copy of Departmental letter of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes refusing the application for the enrollment of George W. Smith, et al. as citizens of the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

AB 2-9

COPY.

Muskogee, Indian Territory, November 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on July 19, 1905 (I T D 11612-1904), affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, refusing the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of the Choctaw Nation.

In affirming said decision the Department stated that the records show that application has also been made for the identification of the applicants Mary E. Smith, Mary D. Smith, Margurite Smith, George Smith and Louanna Smith Terrell as Mississippi Choctaws; that their right to be so identified was not passed upon by the Commission to the Five Civilized Tribes in its decision of October 15, 1904, and the Department therefore desires to know whether the application for their identification as Mississippi Choctaws has been passed upon, and also requests that a report in reference thereto be submitted.

The Department on September 9, 1905 (I T D 8147-1905), advised that on August 19, 1905, Louanna Smith Terrell was notified

(2)

that she would be allowed a reasonable time within which to file a motion with this office for a review of Departmental decision of July 19, 1905.

There was received at this office on September 22, 1905, from Messrs. Bond & Kelton, attorneys at law, Chickasha, Indian Territory, a motion for a rehearing and review in the matter of the application of Mary E. Smith, et al. for enrollment as citizens of the Choctaw Nation.

September 25, 1905, there was rendered a decision refusing the application for the identification of Mary E. Smith, Mary D. Smith, Margurite D. Smith, George Smith, Louanna Smith Terrell, Olive B. Critz and Elizabeth E. Critz as Mississippi Choctaws.

There is transmitted herewith for the consideration of the Department, a motion for review and rehearing in the matter of the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation and the record in the matter of the application for identification of Mary E. Smith, et al. as Mississippi Choctaws, together with the decision adverse to the applicants, of September 25, 1905.

Respectfully,

SIGNED *Tamie Bixby.*  
Commissioner.

Through the Commissioner  
of Indian Affairs.

Yew 8/1

Muskogee, Indian Territory, November 8, 1905.

Mary E. Smith,  
Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that I have this date transmitted to the Department for consideration, a motion for rehearing and review in the matter of the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, submitted on behalf of the applicants by Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory.

I have also this date transmitted to the Department for consideration in connection with the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, the original record in the matter of the application for the identification of Mary E. Smith et al. as Mississippi Choctaws, together with my decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED

*Tamc Luby*

Commissioner.

Muskogee, Indian Territory, November 8, 1905.

Louanna Smith Terrell,  
Chickasha, Indian Territory.

Dear Madam:

You are hereby advised that I have this date transmitted to the Department for consideration, a motion for rehearing and review in the matter of the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, submitted on behalf of the applicants by Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory.

I have also this date transmitted to the Department for consideration in connection with the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, the original record in the matter of the application for the identification of Mary E. Smith, et al. as Mississippi Choctaws, together with my decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED

*Tamm Dixey*

Commissioner.

MCR 7055

COPY.

Muskogee, Indian Territory, November 8, 1905.

Olive B. Critz,  
Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that I have this date transmitted to the Department for consideration, a motion for rehearing and review in the matter of the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, submitted on behalf of the applicants by Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory.

I have also this date transmitted to the Department for consideration in connection with the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, the original record in the matter of the application for the identification of Mary E. Smith, et al. as Mississippi Choctaws, together with my decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED *Tame Lacey*

Commissioner.



MOR 7053

COPY.

Muskogee, Indian Territory, November 8, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby advised that I have this day transmitted to the Department a motion for rehearing and review submitted by you on behalf of Mary E. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation.

I have also transmitted for the consideration of the Department, the record in the matter of the application for the identification of Mary E. Smith, et al. as Mississippi Choctaws, together with the decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED

*Tamm D. Dwyer*

Commissioner.

Muskogee, Indian Territory, November 8, 1905.

W. M. Cravens,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that I have this date transmitted to the Department for consideration, a motion for rehearing and review in the matter of the application for the enrollment of Mary E. Smith et al. as citizens of the Choctaw Nation, submitted on behalf of the applicants by Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory.

I have also this date transmitted to the Department for consideration in connection with the application for the enrollment of Mary E. Smith et al. as citizens of the Choctaw Nation, the original record in the matter of the application for the identification of Mary E. Smith et al. as Mississippi Choctaws, together with my decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED *Tamie Dixby.*

Commissioner.

Muskogee, Indian Territory, November 8, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that I have this date transmitted to the Department for consideration, a motion for rehearing and review in the matter of the application for the enrollment of Mary E. Smith, et al. as citizens of the Choctaw Nation, submitted on behalf of the applicants by Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory.

I have also this date transmitted to the Department for consideration in connection with the application for the enrollment of Mary E. Smith et al. as citizens of the Choctaw Nation, the original record in the matter of the application for the identification of Mary E. Smith, et al. as Mississippi Choctaws, together with my decision of September 25, 1905, adverse to the applicants.

Respectfully,

SIGNED

*Tamie Dixby.*

Commissioner.

Chickasha, Ind. Ter. 11/14 1905.

Hon. Secretary of Interior,  
Washington, D. C.

Dear Sir:

I wish to refer you to a list of good substantial Choctaw and Chickasaw citizens who have known my mother Mary E. Smith who is a Choctaw by blood for 30 years, who will testify that she is a Choctaw by blood and ought to be enrolled by you. Please write to these parties and they will testify in our behalf.

Green McCurtain  
Simon Lewis  
Julias Fulsom  
Ed Burney  
Ben J. Vaughn  
Drinne Ainsworth  
Gov Johnson D. M.  
T. J. Phillips  
John O. Toole my uncle  
Joseph Toole my uncle  
J. D. Chestain  
D. M. Garland  
D. C. McCurtain

I was talking to Drine Ainsworth to day about the decision against our family because we were living in Ft. Smith Ark on or before June 28, 1898. I told him about the error that was made in our decision which states that we had never resided here, and also about the proof in our motion to you that we had once resided here and holding land and improvements. He said this would get our case straight before you. Drine Ainsworth will tell you that every-

one have been enrolled that was living in Ft. Smith on June 28, 1898, just the same as our family.

How is it fair to enroll the LeFlores, Bowers, Alexanders, Mrs. Keiser and leave our family out?

Our status is the same as theirs. We were admitted by Choctaw Council Oct. 20 1877 as Choctaws by blood and on the rolls of 1896 and held our land and improvements up to now and never did abandon our citizenship.

We were only living temporary in Ft. Smith for school advantages and had moved from Choctaw Nation to Ft. Smith for the schools.

I think if we had once resided in Choctaw Nation and had owned valuable land and improvements and had never disposed of them we ought not to be deprived of our rightful inheritance just because we were out of the nation on June 28, 1898 for school purposes. The Indian authorities do not think so or else we would not have been on the June 10th 1896 tribal roll.

Very Resp

Louanna Smith Terrell

Indorsed:

Department of the Interior,  
Received Nov. 21, 1905.  
No. 10995.  
Indian Territory Division.

Chickasha, Ind. Ter., 12/15 1905.

Hon. E. A. Hitchcock

Secretary of Interior

Washington D. C.

Dear Sir:

The point involved in the case of the motion for rehearing in the case of Mary E. Smith et al is this:-- Has she lost her rights by being absent from Choctaw Nation on June 28th, 1898? or on the other hand is she still a citizen by her having prior to June 28th, 1898 lived in the Choctaw Nation? And by Virtue of her having been admitted by Choctaw Council and her name being on the approved roll of 1896.

The clause in Curtis Act which the Dawes Com. referred to enroll her is this:-- "No one shall be enrolled who has not heretofore resided in territory in which they claim citizenship."

This law does not say no one shall be enrolled who was not residing here on June 28th, 1898.

Mary E. Smith who (is my mother) has fulfilled all requirements of the Curtis Act.--She had heretofore resided in Choctaw Nation in good faith with all her children.

She swears in her affidavit that she had disposed of her home property and removed to the Choctaw Nation and then resided in good faith prior to June 28th 1898 -- She only lived in Ft. Smith Ark Temporarily in order to school her children.

-2-

Now how could you rule that she had not on or before resided in Choctaw Nation?

Mr. Hitchcock this case is clear and no fraud nothing but a clean case of Indians by blood claiming and fighting for her share of her estate which she is justly entitled.

Please examine her case well and consult and tribal authority you wish and they will all testify that our claim is just.

Very Resp

Louanna Smith Terrell.

Indorsed:

Department of the Interior,  
Received Dec. 18, 1905.  
No. 11867.  
Indian Territory Division.



Chickasha, Ind. Ter. 12/27 1905.

Hon. Thos. Ryan,  
Acting Secretary,  
Washington D. C.

Dear Sir:

Your letter was received to day requesting me to advise you whether I had filed a motion for rehearing and review in the case of Mary E. Smith et al as citizens by blood of the Choctaw Nation.

You are advised that I filed a motion for rehearing and review in this case a good while ago, with the Commission to the five civilized tribes. I received a notice from the Com. to five civilized tribes that our motion for rehearing and our applications for Mississippi Choctaws had been forwarded to you both at the same time.

We sent out motions after being served on the attorneys for the nation to the Com. to five civilized tribes and expected it to be transmitted to you (which they say they have done so)

When we received your decision in the George W. Smith et al (Geo W. Smith is my father and Mary E. Smith is my mother) case we noticed your decision read that we had not resided in the nation in which we claim citizenship on or before June 28th 1898.

Now this motion for rehearing and review is to correct this decision. We have filed with this motion of Mary E. Smith

et al, four sworn affidavits that Mary E. Smith did reside in in the Choctaw Nation in good faith with all children then living prior to June 28th 1898.

My mothers residence on June 28th 1898 in Ft. Smith Ark ought not to debar her of her citizenship right. She was only living there at time in order to school her children. She has owned improved property here in nation for since 1889 and has continued to reside from time to time in Choctaw since that date.

Now there is nothing else but this residence question to deprive us of our inherited rights. There is no dispute about out Indian blood, our Mississippi Choctaw applications will show you that we are Indians anyway all my mothers brothers and sisters and all their children are enrolled.

My mother Mary E. Smith was admitted by the General Council of the Choctaw Nation as a citizen by blood Oct. 22, 1877. Her name appears on the Choctaw Census roll of 1896, so we must be Indians.

The Curtis law of 1898 says no one shall be enrolled who has not heretofore resided in nation in which he claims citizenship.

Now under this section of the law our rights was taken away from us by an error of the Dawes Commission. They said we had not resided in nation on or before which was a mistake.

Now we have filed our motion in order to prove that we had heretofore resided in the nation which proves that we have complied fully under this law.

Mr. Ryan please take up our case and give us our rights we are entitled. We have been waiting along while all our land is filed on and we can do nothing. No tribal authority objects to our claim. I refer you D. C. McCuratin who is the Choctaw Delegate now in Washington. He knows our family and he will tell you that we are entitled to our land.

Please advise my if you can find our motion.

Very Resp

Louanna Smith Terrell

Daughter of Mary E. Smith.

Indorsed:

Department of the Interior,  
Received Dec. 29, 1905.  
No. 12207.  
Indian Territory Division.

Chickahha, Ind. Ter. Dec. 28, 1905.

Hon. Thos. Ryan  
Acting Secretary  
Washington

Dear Sir:

I wrote you yeaterday concerning your request asking if I had filed a motion for rehearing in the case of Mary E. Smith et al. Since this I have found a receipt from Commission to five civilized tribes saying our motion and application for Mississippi Choctaws had been forwarded to you at same time.

Please find the notice of transmission in this letter.

Mr. Ryan please find our motion. You will find four affidavits attached with the motion. One from Mary E. Smith, one from John O. Toole one from Joseph Toole and one from Inez Garland all certifying that Mary E. Smith had resided in Choctaw country prior to June 28 1898.

Very Resp

Louanna Smith Terrell.

Indorsed:

Department of the Interior,  
Received Jan. 3, 1906.  
No. 83.  
Indian Territory Division.

Chickasha, Ind. Ter. Jan. 2, 1906.

Hon. Thos. Ryan

Acting Secretary

Washington, D. C.

Dear Sir:

Please find affidavit from F. P. Morgan who was residing at Canadian Choctaw Nation when Mary E. Smith and her children resided there. I can produce as many affidavits as you wish who will certify that Mary E. Smith and children did reside in Choctaw Nation prior to June 28th 1898.

Now Mr. Ryan this is the only thing the Dawes Com. could find against us, and this decision was a big mistake when they said we had not resided in Choctaw Nation prior to June 28th 1898.

We did reside in Choctaw Nation prior to June 28th 1898 and we were admitted to citizenship as citizens by blood Oct. 22 1877 and our names appear on 1896 approved roll of Choctaws.

Our case is clean and clear with no fraud.

Please file this affidavit in the motion for rehearing and review of Mary E. Smith et al Choctaw applicants for citizenship as Choctaws by blood.

Very Resp

Indorsed:

Louanna Smith Terrell.

Department of the Interior,  
Received Jan. 5, 1906.  
No. 235.  
Indian Territory Division.

Daughter of Mary E. Smith.

(COPY).

To my certain knowledge, I swear on oath that Mary E. Smith and her children resided in good faith near Canadian, Choctaw Nation, prior to June 28th., 1898. I was residing there at the time of her residence, and to my certain knowledge Mary E. Smith has owned valuable improvements in the Choctaw Nation and has rented and leased same for many years. I have resided in the Indian Territory for thirty years and am personally acquainted with applicants father and mother, brothers and sisters.

(signed) F. P. Morgan

Subscribed and sworn to before on this the 2n day of Jan. 1906.  
My commission expires Aug. 23d., 1909.

(SEAL)

(signed) John H. Venabb  
Notary Public.

Indorsed:

Affidavit from F. P. Morgan of  
Chickasha, I. T. in the case of  
Mary E. Smith, et al.

Department of the Interior,  
Received Jan. 5, 1906.  
Enc. No. 1 of No. 235.  
Indian Territory Division.

January 24, 1906.

To the Honorable Secretary of Interior.

Dear Sir:

In matter of application of Mary E. Smith et al for enrollment as members of the Choctaw Tribe of Indians by blood and motion for rehearing and review therein, I have the honor herewith to file the affidavits of twelve disinterested persons in support of the same.

Upon the pending motion in this case the principal question was as to the fact of the residence in good faith of the applicant, Mary E. Smith and members of her family in the Choctaw Nation at any time, and for any length of time, on or prior to June 28, 1898.

An examination of the evidence taken by and filed with the Commission shows it to be contradictory: Mary E. Smith and her husband, Dr. George W. Smith, both stating that in the year 1889 they sold everything they had in Arkansas and removed to the Choctaw Nation to reside; and by themselves and several witnesses the fact of their actual residence there prior to June 28, 1898 is established. Several months later they returned to Fort Smith in order to educate and train up their children, but it would be a most violent and unreasonable presumption to suppose that they could have intended to abandon their Choctaw legal home and thus lose the great property rights to acquire which they had become Choctaw citizens by the legislation of the Tribe, and taking all they possessed in Arkansas



had established their home in the Choctaw country. Notwithstanding the unreasonableness of such conduct on their part, both Mary E. Smith, her husband George W. Smith, and perhaps others also appear to have contradicted themselves before the Commission, thus testifying in the same breath that they did and that they did not live in the Choctaw country on or before June 28, 1898 at all.

Under these circumstances the Commission naturally decided against the applicants for enrollment, as citizens by blood, so far as it depended upon residence.

Evidently the interests of these parties were not properly presented to the Commission, for the applicants, if intentionally false in their testimony, would have perjured themselves to their advantage and not to their ruin. It thus becomes necessary to enquire what was the fact as to their residence in the Choctaw Nation, which had legally enrolled them in the year 1877.

The applicants, unversed in the subtleties of the law of domicile, did not comprehend the fact that a few months, or even a few hours, or moments of actual abiding in a given place, coupled with the intent of making it a home, constitutes "residence" in that place, and a home to be lost only by actual removal coupled with the intent to abandon permanently the home thus acquired.

An absence, continued even for years, in order to properly educate and train up a growing family, is a not uncommon and is a most commendable temporary absence; and would be especially so

under the unfortunate conditions of total deprivation of school privileges which Dr. Smith found after he arrived there. It certainly became the duty of these parents, while providing for the future of themselves and their children by securing and holding the properties which citizenship by blood entitled them to, to educate their children somewhere else, and it was also their duty to go with their children, and find such occupation as might be necessary while the family was being educated and launched in life for themselves. Residences once established are thus retained through temporary absences often extending for many years and even a life time, having for their object, the prosecution of business, the education and training of children and their advantageous settlement in life, travel for health or pleasure, the prosecution of literary work and many other purposes. In our Capital City probably one third of the population legally live somewhere else while engaged in active business here year after year and even for life. These applicants should be commended for similar conduct rather than punished by the loss of the property of themselves and family.

The question can hardly arise upon this motion to reopen the case in order that the testimony may be properly laid before the Commission and the Department, but it does not seem possible that actual change of residence or even of citizenship can be made to confiscate property rights once legally acquired, possessed and enjoyed for years. These rights come by the mother's blood and her

intent to pauperise herself and family by abandonment of the Choctaw home which had been established with so much effort and expense is not to be readily inferred.

The applicant, Mary E. Smith, in her motion for rehearing and review, explains the mistake and apparent contradiction of the testimony before the Commission, by saying, in substance that, as she understood the matter, unless she resided by actual presence in the Choctaw country on the particular day of June 28, 1898, she had no residence there at all; and that the residence and home established in 1889 did not count. If she had known more law she perhaps would have testified more intelligently; but no possible reason is conceivable why she should have concealed the truth, for the truth could do her interests no harm. It must be, as she says, that she thought the residence talked about included their personal presence in the Choctaw country on the 28th day of June 1898; and so as an honest witness denied it. We are informed that such was a common opinion at that time, though since then held otherwise.

But however honestly or intelligently, or otherwise, witnesses may have testified, there are so many innocent parties interested that the main question is, what is the fact as to residence? Even perjury is not to be punished by forfeiture of any of their various rights of property in this proceeding.

Accordingly we submit the affidavits of a large number of disinterested witnesses who fully corroborate the other evidence

and leave no doubt that had it been before the Commission, the finding must have been in favor of the applicants. There can be no doubt that the applicants did reside and settle in good faith in the Choctaw country in the year 1889, and this once accomplished, on or prior to June 28, 1898, was sufficient even though such residence was afterwards lost.

We respectfully ask that our motion for rehearing and review be granted, and that opportunity be thus afforded to take additional evidence in proper form to support the prayer of the applicants for enrollment as members of the Choctaw Tribe of Indians by blood, unless indeed in view of the overwhelming strength of the proof in support of the motion, there should be no further opposition to the enrollment.

We have the honor to be

Most respectfully,

Your obedient servants,

Henry W. Blair.

Bond & Melton.

Attorneys for Applicants.

Indorsed:

Department of the Interior,  
Received Jan. 31, 1906.  
No. 1277.  
Indian Territory Division.

G.R.

D.C. 10121-1906. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB.

I.T.D.11612-1904.

March 13, 1906.

3273,3573,10996,

11867,12207-1905.

83,235,1277-1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 19, 1905 (I.T.D.11612-1904), the Department, in accordance with the recommendation of the Indian Office, affirmed the decision of the Commission to the Five Civilized Tribes dated October 15, 1904, denying the application of George W. Smith for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Smith, and their children, Mary D., Marguerite, and George Smith, as citizens by blood of the Choctaw Nation, and the application of Elmer Terrell for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood of the Choctaw Nation.

Said applications were denied upon the ground "that none of the applicants had removed to and in good faith settled in the Indian Territory on or before June 28, 1898." The right of applicants to be identified as Mississippi Choctaws was not passed upon in said decision.

December 21, 1905, and January 31, 1906, there was filed with the Department a motion and affidavits of 12 disinterested witnesses in support of a motion for a rehearing and review therein, tending to show that Mary E. Smith and certain of her children did establish a bona fide residence and acquired property near Canadian, in Choctaw Nation, in June 1889, and received rents annually therefrom for 15 years--from 1889 to 1904.

The evidence submitted with the original record showed that the principal applicant, Mary E. Smith, was married to George W. Smith in Choctaw County, Alabama, on January 13, 1869, and removed with her husband in 1871 to Arkansas, where all her children were born and where her husband has been and is now engaged, at Fort Smith Ark., in the practice of medicine as a specialist on eye, ear, and throat.

October 20, 1877, the General Council of the Choctaw Nation admitted to citizenship the principal applicant, Mary E. Smith, her husband, George W. Smith, and their children, Louanna (now Louanna Smith Terrell) and Olive Belinda, and their names have been carried on the Choctaw rolls from 1877 to 1896, inclusive. Salina Dunn, an aunt, and Belinda Toole, the mother of said principal applicant, Mary E. Smith, were also admitted at the same time (October 20, 1877), and in pursuance of said admission, removed to the Choctaw Nation in 1879, became residents thereof, were duly enrolled, and allotted lands therein.

George W. Smith, the husband of Mary E. Smith, admits that he has never made his home in the Indian Territory, but claims that he sold all his possessions at Fort Smith, Ark., and his farm with the intention of moving to the Indian Territory; that his family went out to the Choctaw Nation in June, 1899, and remained until September or October of the same year, about three months, when, finding no schools to educate the children, the family returned to Fort Smith, Ark., for the purpose of educating the Children, and where all have since resided. Whether Louanna Smith, then a minor (now Terrell), was a member of the family that removed in 1899 to the Choctaw Nation is not shown. She was married to applicant Elmer Terrell at Fort Smith, Ark., in September, 1897, and the fact is clear that she and her husband from the time of their marriage did not remove to the Indian Territory until July 15, 1898. It is claimed that Mary E. Smith, upon her removal with her family to the Choctaw Nation in June, 1889, established a bona fide residence therein and acquired property interests there which she retained upon her removal in three months to Fort Smith, Ark.

The decision of the Department of July 19, 1905, denying the application of George W. Smith et al. for enrollment as citizens of the Choctaw Nation, is hereby vacated, and you are requested to reopen the case for a further hearing to determine the exact character of the property interests acquired by Mary



E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation.

The record is remanded for the purpose of readjudication, and certain letters of applicant Louanna Smith Terrell are forwarded herewith for use upon said rehearing, as well as the motion and affidavits and brief of counsel filed in support of the motion for a rehearing.

Respectfully,

(Signed) Thos. Ryan.

First Assistant Secretary.

11 inclosures.

Through the Commissioner  
of Indian Affairs.

COPY.

Muskogee, Indian Territory, March 21, 1906.

George W. Smith,

Fort Smith, Arkansas.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,  
Louanna Smith Terrell,  
Elmer Terrell,

7-D-87  
7-434  
7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1869, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Wednesday, April 18, 1906, at nine o'clock A. M., hear such tes-

G.W.S.--2

timony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/1.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Elmer Terrell,

Chickasha, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Wednesday, April 18, 1906, at nine o'clock A. M., hear such tes-

E.T.--2

timony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/2.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Peacham & Bryant,  
Attorneys at Law,  
Fort Smith, Arkansas.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

M & B--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/3.



COPY.

Muskogee, Indian Territory, March 21, 1906.

F. E. Riddle,  
Attorney at Law,  
Chickasha, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

F.E.R.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/4.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Bond & Melton,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

B. & M.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/5.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Potter & Potter,  
Attorneys at Law,  
Gainesville, Texas.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

P. & P.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/6.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Potter, Barefoot & Carmichael,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,



P.B. & C.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/7.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Henry W. Blair,  
Attorney at Law,  
Colorado Building,  
Washington, D. C.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five

H.W.B.--2.

Civilized Tribes will at his office at Muskogee, Indian Territory, on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED: *Wm. O. Beall.*

Acting Commissioner.

BPS 21/9.

COPY.

Muskogee, Indian Territory, March 21, 1906.

W. M. Cravens,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the application of;

George W. Smith, et al.,	7-D-87
Louanna Smith Terrell,	7-434
Elmer Terrell,	7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1869, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

W.M.C.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

BPS 21/10.

COPY.

Muskogee, Indian Territory, March 21, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of March 13, 1906, remanding to the Commissioner to the Five Civilized Tribes, for the purpose of rehearing and readjudicating, the record in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, consolidating the applications of;

George W. Smith, et al.,  
Louanna Smith Terrell,  
Elmer Terrell,

7-D-87  
7-434  
7-D-296.

The Department vacates its decision of July 19, 1905, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, and directs,

"a further hearing to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom, and whether her act of removal to Fort Smith, Ark., constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation."

You are hereby advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory,

M. McM. & C.--2.

on Wednesday, April 18, 1906, at nine o'clock A. M., hear such testimony as may be submitted by the applicants in support of their claim to enrollment as citizens of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED

*Wm. C. Beall*

Acting Commissioner.

BPS 21/8.



7-D-87.

Muskogee, Indian Territory, April 24, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the testimony taken before this office on April 18, 1906, in the matter of the application for the enrollment of George W. Smith, et al., as citizens of the Choctaw Nation, taken in pursuance of departmental instructions of March 13, 1906 (I.T.D. 83, 238, 1277-1906), of which you have heretofore been notified.

Respectfully,

Commissioner.

LBA. 24/1.

7-D-87  
7---434  
7-D-296.

COPY

Muskogee, Indian Territory, June 4, 1906.

George W. Smith,  
Fort Smith, Arkansas.

Dear Sir:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Yamo Bixey*

Commissioner.

Registered.

Incl. 7-D--87  
7---434  
7-D-296.

7-D--87  
7---434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

Elmer Terrell,

Chickasha, Indian Territory,

Dear Sir:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Dixey*

Commissioner.

Registered.

Incl. 7-D--87  
7---434  
7-D-296.

7-D--67  
7-434  
7-D-296.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Henry W. Blair,  
Colorado Building,  
Washington, D. C.

Dear Sir:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith, and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Jams Bixby*

Commissioner.

Registered.

Incl. 7-D--67  
7---434  
7-D-296.

7-D-87

7---434

7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

Potter & Potter,  
Attorneys at Law,  
Gainesville, Texas.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Jams Bixby*  
Commissioner.

Registered.

Incl. 7-D--87  
7---434  
7-D-296.

7-D--87  
7---434  
7-D-296.

COPY

Muskogee, Indian Territory, June 5, 1906.

Meacham & Byrant,  
Attorneys at Law,  
Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith, as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully, SIGNED

*Tams Bixby*  
Commissioner.

Registered.

Incl. 7-D--87  
7---434  
7-D-296.

7-D-37  
7---434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tams Bixby*  
Commissioner.

Registered.

Incl. 7-D--87  
7---434  
7-D-296.



7-D--87  
7--434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

Potter, Barefoot & Carmichael,  
Attorneys at Law,  
Chickasha, Indian Territory,

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Chectaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tams Bixby*  
Commissioner.

Registered.

Incl. 7-D--87  
7--434  
7-D-296.

7-D-87  
7---434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

W. M. Gravens,  
Attorney at Law,  
Muskogee, Indian Territory,

Dear Sir:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith, and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tams Bixby*  
Commissioner.

Registered.

Incl. 7-D-87  
7---434  
7-D-296.

7-D-87  
7---434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

F. E. Riddle,  
Attorney at Law,  
Chickasha, Indian Territory,

Dear Sir:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tams Birby*

Commissioner.

Registered.

Incl. 7-D-87  
7---434  
7-D-296.

7-D-87  
7 --434  
7-D-296

Muskogee, Indian Territory, June 5, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes of June 5, 1906, affirming the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the application for the enrollment of George W. Smith and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tamr Bixby*  
Commissioner.

Incl. 7-D--87  
7---434  
7-D-296

COPY

Muskogee, Indian Territory, June 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision in the consolidated case of George W. Smith et al., refusing the applications for the enrollment of George W. Smith, and Elmer Terrell as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood of the Choctaw Nation, and on October 31, 1904, the record in this case was transmitted to the Department for review.

July 19, 1905, (I T D 11612-1904) the Department affirmed this decision refusing the application for the enrollment of the above named persons as citizens of the Choctaw Nation and requested an early report in the matter of their application for identification as Mississippi Choctaws.

March 13, 1906 (I T D 11612-1904, 83, 235, 1277-1906), the Department, on a motion of the applicants, vacated its decision of July 19, 1905, and remanded the record for readjudication.

March 21, 1906, the applicants and their attorneys were notified of Departmental action and were advised that a hearing would

Secretary 2.

be had in this case at this office April 18, 1906, at nine o'clock,  
A. M.

A hearing was had, in accordance with this notice, at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on April 18, 1906, at which time the testimony of witnesses was introduced in behalf of the applicants.

I now have the honor to transmit herewith decision of June 5, 1906, holding that the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the applications for the enrollment of George W. Smith and Elmer Terrell, as citizens by intermarriage, and of Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith and George Smith as citizens by blood, of the Choctaw Nation, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, should be affirmed.

Respectfully,

Commissioner.

2 Incl. 7-D-87  
7--434  
7-D-296.

Through the Commissioner  
of Indian Affairs.

7-D-87

Muskogee, Indian Territory, June 30, 1906.

Bond and Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Dear Sirs:-

In compliance with your request of June 18, 1906, there is enclosed you herewith copy of the testimony taken April 18, 1906, in the matter of the application for the enrollment of George W. Smith, et al, as citizens of the Choctaw Nation, together with receipt therefor which please sign and return to this office.

Respectfully,

WLN. 30/10

Commissioner.



JUL 10 1906

Chickasha, Indian Territory, June 30, 1906.

RECEIVED of the Commissioner to the Five Civilized Tribes  
one copy of testimony taken May 18, 1906, in the matter of the  
application for the enrollment of George W. Smith, et al,  
as citizens of the Choctaw Nation.

Bond & Melton

Form No. 200.

# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED  
22,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT G. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

**SEND**

Washington, D.C. Feb. 15

Received at

16 KS CT N 1058 am 47 collect,

Govt.,

Commissioner to the Five Tribes,

Muskogee, I.T.

Commissioner Reversed except as to George W. Smith and ordered to enroll Mary E. Smith, Louanna Smith, Terrell, Mary D. Smith, Margarita Smith and George Smith as cheetaws by blood and Elmer Terrell as intermarried Cheateau.

A.F. McGarr.

7-10-89  
7-434  
396  
IF RECD THE NOTICE AND AGREEMENT ON BACK.

# **CORRECTION**

**THESE DOCUMENTS  
HAVE BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

## **ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS**

To guard against mistakes or delays, the sender of a message should order it **REPEATED**; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any **UNREPEATED** message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any **REPEATED** message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be **INSURED** by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

**ROBERT C. CLOWRY, President and General Manager.**

( C Y )

Land  
82136-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

October 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 20, 1906, I.T.D. 15382, the record relative to the application of George W. Smith, et al, for enrollment as citizens of the Choctaw Nation is enclosed.

It appears that on October 20, 1898, George W. Smith applied to the Commission to the Five Civilized Tribes for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Mary E. Smith, and their minor children, Mary D., Margurite, and George Smith, as citizens by blood, and that on the same day Elmer Terrell applied for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Louanna Smith Terrell, as a citizen by blood.

The Commissioner to the Five Civilized Tribes, under date of June 5, 1906, held that the parties to this case, George W. Smith, Elmer Terrell, Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith, were not entitled to enrollment as citizens by intermarriage and blood respectively, of the Choctaw Nation.

The record now shows that by Act of the National Council of the Choctaw Nation, approved on October 20, 1877, Mary Smith, her husband,

George W. Smith, and their two children, Louanna and Olive Belinda, and their married daughter, Octavia Bolling, her husband, George F. Bolling, and two children, John F. and Walter Bolling, were admitted to citizenship in the Choctaw Nation.

The Act declares that it shall be in full force and effect from and after its passage.

The decision of the Commission of October 15, 1904, adverse to the applicants, was approved by the Department on July 19, 1905. On March 13, 1906, I.T.D. 1277, the Department rescinded its action of July 19, 1905, and directed the reopening of the case for a further hearing touching the residence and property interests in the Choctaw Nation of the applicants. Additional testimony was taken by the Commissioner.

It appears from the record that Mary D., Margurite, and George Smith are the children of George W. and Mary E. Smith. Mrs. Terrell is also their daughter. In 1903 Mary D. was sixteen years of age, Margurite seventeen, and George nine. They are now nineteen, seventeen, and twelve years of age respectively. George W. Smith was married to Mary E. on January 17, 1869, in accordance with the laws of the State of Alabama, and in 1870 they removed to the State of Arkansas, where George Smith continued to reside up to and including September 25, 1902, with the exception of temporary visits at different periods in the Indian Territory. He did not settle in the Territory prior to June 28, 1898.

Elmer Terrell married Louanna Smith in accordance with the laws of Arkansas on September 1, 1897, and on July 15, 1898, they removed to



the Chickasaw Nation, where they resided up to and including September 25, 1902. On May 1, 1899, they were re-married in accordance with the Choctaw law.

It is shown that Mary E. Smith and Louanna Smith Terrell removed from Fort Smith, Arkansas, to the Choctaw Nation in May, 1889, and that they resided there until September, 1889, when Mrs. Smith returned to Fort Smith for the purpose of educating her children in the public schools of that city. She continued to reside in Arkansas until after June 28, 1890. Mrs. Smith and Mrs. Terrell were accompanied by Annie and Ollie Smith, who were not applicants in this case.

The record strongly indicates that when Mrs. Smith went to the Choctaw Nation in 1889 she exercised control over certain land therein and her right and the right of the other parties to the case, except those who applied as citizens by intermarriage, seems to hinge on whether her residence at that time was in good faith.

The Office is unable to agree, as the record now stands, with the conclusions reached by Mr. Bixby. It believes that from the record that Mrs. Smith and Mrs. Terrell went to the Choctaw Nation in 1889 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1890, should not bar her from enrollment.

It is shown that in 1889 land adjoining that occupied by Mrs. Smith's father was selected for Mrs. Smith, Mrs. Terrell, and Ollie Grite.

After having given the case careful consideration the Office has reached the conclusion that Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith, are entitled to enrollment as citizens by blood of the Choctaw Nation. George W. Smith never having settled in the nation prior to June 28, 1898, is not, under existing law, entitled to enrollment. If Mrs. Terrell is entitled to enrollment as a citizen by blood, her husband, Elmer Terrell, is undoubtedly entitled to enrollment as a citizen by intermarriage, as he married his wife in accordance with the laws of the Choctaw Nation on May 1, 1899, and is not therefore barred by any existing law relating to the subject.

The names of Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith are found on the Choctaw census roll of 1896 as citizens by blood thereof. The name of George W. Smith appears on said roll as an intermarried citizen of the Choctaw Nation.

As above said, as the record now stands, the Office is of the opinion that all of the applicants are entitled to enrollment except George W. Smith, Elmer Terrell as an intermarried citizen and the others as citizens by blood, and it respectfully recommends that the decision of the Commission be reversed, and that the applicants referred to be enrolled.

Very respectfully,

C. F. Larabee,

Acting Commissioner.

GAW-GH

(Copy, I. T. D. 2910-1907).

J.R.W.  
W.C.P.  
F.W.C.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,  
WASHINGTON.

I. T. D.  
11412, 1904; 78,  
375, 763, 1765, 2707,  
3829, 10851, 17842,  
17844, 1905;  
19700, 1906.

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of October 12, 1906, for my opinion, the cases of Mary E. Smith, her children, Mary D., Margaret, George, and of her husband George W. Smith, intermarried; Louanna Smith Terrell and Elmer Terrell, her husband, for enrollment as citizens of the Choctaw Nation. These applicants also, at the suggestion of the Commissioner to the Five Civilized Tribes, applied for identification as Mississippi Choctaws.

As to all save George W. and Elmer, no question is made of Choctaw blood and by Act of the Choctaw Council October 20, 1877 the right of Mary E., George W., and Louanna to citizenship in the Choctaw Nation was "admitted and established." Mary E. is granddaughter of Allen Gates, white, and his wife Millie, one quarter Choctaw. Allen was a beneficiary of the Dancing Rabbit Creek Treaty (American State Papers VII, pp. 53, 129). Mary E. was born in Choctaw County, Alabama, in 1851, and lived there until her marriage January 17, 1868. About 1870 she and her husband George W. removed to Arkansas. Her parents and their family removed into the Nation in 1879, where the parents afterward died and

their descendants are enrolled citizens. All the applicants except Elmer are identified upon the 1896 Choctaw Census Roll. George W. is a physician and permanently located at Ft. Smith, Arkansas, about 1878, where he has ever since practiced his profession. Elmer married Louanna at Ft. Smith September 1, 1897, removed to the Chickasaw Nation July 15, 1898, and remarried Louanna there May 1, 1899, in conformity with Chickasaw laws. The applicants, except Elmer, claimed to have affiliated with the Nation and to have permanently settled therein prior to June 28, 1898 (viz. in 1889) but the Department July 19, 1905, upon the evidence theretofore taken, affirmed the recommendation of the Commission denying enrollment of all the applicants. Upon motion for rehearing March 13, 1906, the decision was vacated and the case reopened -

to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom and whether her act of removal to Fort Smith, Arkansas, constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation. The record is remanded for the purpose of readjudication.

There was a rehearing on the matters indicated and the Commissioner, June 5, 1906, reported that -

As to the physical residence of the applicants, Mary E. Smith and Louanna Smith Terrall, the evidence in this case shows that in May 1889, Mary E. Smith, after disposing of some property belonging to her and her husband, George W. Smith, removed from Fort Smith, Arkansas, to the home of her father near Canadian, Choctaw Nation, Indian Territory, for the purpose of taking up her residence in the Indian Territory; that she was accompanied by her two children, Annie (the applicant Louanna Smith Terrall) and Ellis (not an applicant in this case); that Mary E. Smith continued to reside with her father at Canadian, Indian Territory, until September, 1889, when she returned to Ft. Smith, Arkansas, for the purpose of placing her children in the public schools

of that city; and that she and her children have continued to reside in Ft. Smith, Arkansas, continuously from September, 1899, until after June 28, 1898, with the exception of occasional visits to the home of Mrs. Smith's father near Canadian, Indian Territory.

X X X X X X

I am of opinion that the preponderance of the evidence establishes that the applicant, Mary E. Smith, and her children were not residents in good faith of Indian Territory on June 28, 1898; that they possessed no property interests located therein prior to said date; and that the improvements claimed by them were a part of the estate of Mr. Toole, father of Mary E. Smith.

The Commissioner recommended adherence to the former decision denying the applicants. The Indian Office on review of the evidence was of opinion and recommended -

that Mrs. Smith and Mrs. Terrell went to the Choctaw Nation in 1899 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1898, should not bar her from enrolment.

X X X X X X

As the record now stands, the Office is of the opinion that all of the applicants are entitled to enrolment except George W. Smith, Elmer Terrell as an intermarried citizen and the others as citizens by blood.

Upon examination of the record I am of opinion that the weight of the evidence supports the conclusion reached by the Indian Office as to the bona fides of removal of Mrs. Smith and her children then living, and affiliation with the Nation in 1899. Instead of calling "some property belonging to her and her husband" the evidence is that Dr. Smith and his wife sold all their real holdings in Arkansas, his farm and her house in the city, the family home, and removed all the furnishings and personal

and household belongings into the Nation taking claims there for herself and children upon the communal lands, taking the children with her. Such facts are very cogent of bona fide intent and coupled with the fact of race affinity and right to appropriate communal lands only by integration into the social state owning the lands, forces the mind to the conclusion that this removal was with intent to there permanently reside. Such being the intent the right of citizenship was gained and Mrs. Smith and her children were integrated into the Choctaw Nation. The opinion of the Commissioner that Mrs. Smith and her children were not residents of the territory in good faith June 28, 1898, seems to rest upon a misconception of the act of that date, which does not require residence there but an affiliation with, or integration into the Nation by residence there prior to that date. If her removal from the Nation was, as the Commissioner finds, for the purpose of educating the children the implication and presumption is not one to become expatriated and to permanently identify herself with the white race and its future, but rather the contrary. This presumption is supported by the facts of continued holding of claim to communal lands, frequent returns to assert such claims, being recognized by the tribal authorities in recognition of such claims, inscription upon the tribal rolls and finally by actual removal to the Nation when the temporary purpose was accomplished and permanent residence there since. I am therefore of opinion that Mrs. Smith and her children and descendants, so far as resident of the territory, are entitled to be

enrolled as also Elmer Terrall intermarried to Louanna in conformity with Choctaw Law.

As to George W. Smith the evidence fails to show that he removed to the Nation prior to June 28, 1898, or ever settled there. His only right is that by intermarriage, under article XXXVIII of the Treaty of July 10, 1866 (14 Stat., 769) by which the right was conditioned and dependent upon the fact of residence in the Nation and according to domicile. For reasons stated at length in my opinion in case of Joseph M. Smith (I. T. D. 397, 1907), I concur in the opinion of the Indian Office that his application be denied.

Very respectfully,

Frank L. Campbell

Assistant Attorney General.

Approved: February 9, 1907:

E. A. Hitchcock,

Secretary.



( COPY )

G.R.

~~SECRET~~

W.H.M.

D.C. 9287-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

2910-1907.  
I.T.D. 19700-1906.  
15362-1906.  
2107-1907.

February 14, 1907.

L R S

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 8, 1906, you transmitted the remanded record in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, including your decision of the same date adverse to applicants Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and adverse to George W. Smith and Elmer Terrell, as citizens by intermarriage of said nation.

October 12, 1906, the Department referred the record in the above case to the Assistant Attorney-General for this Department for his opinion thereon.

In his approved opinion of February 9, 1907 (I.T.D. No. 2910), a copy whereof is enclosed for your information, he held that:

"Mrs. Smith and her children and descendants, so far as resident of the territory, are entitled to be enrolled as also Elmer Terrell intermarried to Louanna in conformity with Choctaw law,"

and adverse to George W. Smith.

In accordance therewith, your decision of June 5, 1906, adverse to all the applicants named in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, is hereby reversed, except as to George W. Smith, and you are directed to enroll Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and Elmer Terrell, as a citizen by intermarriage of the Choctaw Nation.

The Department has this day been advised by letter, dated February 12, 1907, of local attorney for applicant in above case, that an application filed under act of April 26, 1906, is now pending before your office for the enrollment of Mary Elizabeth Terrell, aged three years, minor child of Louanna Smith Terrell and her husband Elmer Terrell, and descendant of Mary E. Smith, this day directed to be enrolled. You are directed to take immediate action in accordance with the above opinion on the application for the enrollment of said minor child, Mary Elizabeth Terrell.

You will advise applicants, and their resident attorneys, immediately of this action. The Indian Office has been requested this day to advise local counsel of the action taken herein.

A copy of Indian Office letter of October 5, 1906 (Land 82136), recommending the above action is enclosed. The record in the case is returned to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

2 enclosures.

35 enclosures to Ind. Of.

A F Ma 2-15-07

Flu 11 Int.

John B. ... age 48

Chas.

Page 42 3 C.R. No 2 1861

Tobacco Co.

Page 423

May B. age 12 Dec 12 '82 "

Margaret

" Dec 30 '82 "

George

" Mar 8 - 94 "

(Continued)

287

See also ... 130 ...

Clara M. Smith age 59  
in Roll 671  
Sub C. 10.

Page 98 One for the 100th  
and 1st Div.

---

Choc 6075

Albert Standley

See MCR 6589

6075

"Exhibits"  
Personay appeared before  
me a Notary Public in and  
for the Cheval District  
of the W.S. Court in and  
for the Ind. Ter. Mrs.  
Fannie Black well known  
to me and Major Oak that  
she attended Silvy Standley  
the wife of (B.F. Standley  
Dec) at the birth of Albert  
Standley on Dec. 14<sup>th</sup> 1895  
at or near Standing Rock  
on Canadian River Sans  
Bois County Choctaw Nation  
that also she lived a neighbor  
at that time to (B.F. Standley Dec) and  
Silvy Standley his wife  
Fannie Black  
witness

John A. Black

Subscribed and Sworn to  
Before me a Notary Public  
this 27<sup>th</sup> day of July  
1899  
C. M. Randal  
N.P.

Albert Stanley &  
Silvia Dilley  
7-6075-

#  
Albert Stanley &  
Silvia Dilley  
vs  
The Choctaw Nation

---

Petition for  
Enrollment.

SL09-L  
William Kennedy  
Atty. for Petitioners  
South McAlester



BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

Albert Stanley, Plaintiff.

vs.

PETITION.

Choctaw Nation, Defendant.

Your petitioner, Albert Stanley, respectfully represents and shows that about the 11th of September, 1899, he, together with his mother Sylvia Stanley and several brothers and sisters, appeared before the aforesaid commission near the town of South McAlester, Ind. Ter. for the purpose of being enrolled as citizens of the Choctaw Nation; that your petitioner's mother, Sylvia Stanley, (Sylvia Tilley) was then and there sworn and examined by the aforesaid Commission. That said Commission refused to enroll the aforesaid Sylvia Stanley, and your petitioner Albert Stanley. Your petitioner further shows that at said time and place, he had the affidavit of <sup>A</sup>Sillie Plack, which is attached hereto and marked "Exhibit A"; that he brought said affidavit before said Commission for the purpose of offering the same in evidence in support of his claim to citizenship, but that he was informed that said Commission would not receive, or consider, the said ~~XXXXXXIXXX~~ affidavit.

Your petitioner shows that Benjamin F. Stanley was a Choctaw Indian by blood; that said Benjamin F. Stanley and the aforesaid Sylvia Stanley were lawfully married in 186\_\_ while living in the state of Mississippi; that in 1873 the aforesaid Benjamin F. Stanley and Sylvia Stanley moved to the Choctaw Nation; that in Dec. 1875, <sup>a son of the aforesaid Stanley</sup> your petitioner was born in the Choctaw Nation, and has lived in said Nation all of his life. That the aforesaid Benjamin F. Stanley was duly admitted to citizenship by the proper authorities of the Choctaw Nation in 1874 or 1875. That the aforesaid Benjamin F. Stanley and the aforesaid Sylvia Stanley lived together as husband and wife until the death of the aforesaid Benjamin F. Stanley, which occurred in the year of 189<sup>3</sup>\_. That while living together as husband and wife the aforesaid Benjamin F. Stanley and Sylvia Stanley had born to them 10 children, and that the said Benjamin F. Stanley and his children have at all times held lands and enjoyed other rights of a citizen of the Choctaw Nation.

That in the year of 1896 the aforesaid Sylvia Stanley made application for herself, and as she thought and ~~she~~ intended, for her <sup>including your petitioner's</sup> children to the Commission to the Five Civilized Tribes to be enrolled as members of the Choctaw Tribe of Indians. Your petitioner shows, that for some reason, the aforesaid Commission refused to enroll the aforesaid Sylvia Stanley, but did enroll a part of her children. Your petitioner further shows that when the aforesaid Sylvia Stanley had the beforementioned application prepared she intended to include the name of your petitioner in said application. That the said Sylvia Stanley and your petitioner both thought until about one year ago, and until after it was too late, that the name of your petitioner was in the application presented to the aforesaid Commission. Your petitioner further shows that the attorneys for the aforesaid Sylvia Stanley and her children received a notice from the aforesaid Commission in January 1897, which was in words and figures as follows: " Department of the Interior

Wilkinson & Wilkinson

Commission to the Five Civilized Tribes.

Sylvia Stanley et al  
vs. No. 822.  
Choctaw Nation.

Fort Smith, Ark., Dec. 2nd, 1896.

Sir: In compliance with the provision of the Act of Congress approved June 11th, 1896, The Commission to the Five Civilized Tribes has considered this application with proof, and the same has been granted by the Commission.

Respectfully,

H.M. Jacoway, Jr., Secretary."

That the said Sylvia Stanley relying on the aforesaid notice did not appeal from the decision rendered by the aforesaid Commission and did not further investigate the records of said case. That long after the time allowed by law for an appeal in said cause, the aforesaid attorneys and your petitioner learned that by an oversight the name of your petitioner was not included in the aforesaid petition.

Your petitioner further shows that his father was related to Captain J.S. Stanley of Atoka, Ind. Ter. and many other Choctaw Indians by blood who are now recognized as members of the Choctaw Tribe of Indians; that your petitioner and his mother are both illiterate, not being able to read or write. That under the laws, usages and

customs of the Choctaw tribe of Indians, and according to the treaties and agreements heretofore made and entered into by and between the United States and the Choctaw tribe of Indians, he is entitled to be enrolled as a member of the aforesaid tribe of Indians

Wherefore the premises considered your petitioner prays that he be enrolled by your honorable Commission as a member of the Choctaw tribe of Indians, and in case your honorable body refuses to grant his petition, then your petitioner prays this petition together with the affidavit attached hereto be forwarded to the Secretary of the Interior to be examined and passed upon by him before approval of the roll made by you of the Choctaw tribe of Indians.

William H. Hendrix  
Attorneys for Petitioner.  
Savannah, Ga.

I, Albert Stanley, do solemnly swear that the facts set forth in the foregoing petition are true as I verily believe.

Albert Stanley  
Mark

Subscribed and sworn to before me

this 1 day of March 1900.

J. R. Kelly  
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Sylvia Tilley, Plaintiff.

vs. .

PETITION.

Choctaw Nation, Defendant.

Your petitioner, Sylvia Tilley, respectfully represents and shows that about the 11th day of Sept. 1899, she appeared before your honorable body near South McAlester, Ind. Ter. in behalf of her son Albert Stanley, whose petition is attached hereto, and in her own behalf for the purpose of having the name of the said Albert Stanley and her name enrolled as members of the Choctaw tribe of Indians. That said Commission refused to enroll your petitioner or the said Albert Stanley.

your petitioner further <sup>shows</sup> that in the year 1866 she was lawfully married to Benjamin F. Stanley; that in 1873 she and the said Stanley moved to the Choctaw Nation. That she and the said Stanley lived together as husband and wife until the death of the said Stanley, which occurred in 1893. That while living together she and the said Stanley had born to them 12 children, 2 of whom are now living. That in the year of 1890, the said Stanley took the oath of allegiance to the United States as provided for in the Act of Congress of May 2nd, 1890; that she and the said Stanley thought that it was necessary to remarry according to the laws of the United States; that therefore the said Stanley procured license from the clerk of the United States court at South McAlester, Ind. Ter., <sup>and your petitioner and said Stanley</sup> and were remarried. That this caused a great many people to say, and to possibly believe, that this petitioner and the said Stanley were never married prior to said time.

Your petitioner further shows that in 1896 she employed Charlie Randall to look after the matter of presenting her application, together with that of her children. That she is informed that thereafter the said Randall turned the matter over to the firm of Wilkinson & Wilkinson, that by an oversight of your petitioner, or by an oversight of the beforementioned Randall, the name of <sup>she referred</sup> Albert

Stanley was not included in the beforementioned petition, and that it was two years after said petition was filed before your petitioner learned of the aforesaid omission.

Your petitioner further shows that the allegations contained in the attached petition of Albert Stanley concerning the notice given by the beforementioned Commission are true, and that by reason of said notice your petitioner did not appeal from the decision or judgment rendered by the aforesaid Commission to the United States Court. That had she known said Commission had rejected her petition, she would have appealed to the United States Court for the Central District of the Indian Territory. That long after it was

too late to perfect an appeal she learned that said Commission had not granted her petition, but had granted the petition of a part of her children.

Your petitioner avers that according to the laws usages and customs of the Choctaw tribe of Indians she is entitled to enrollment as an intermarried citizen of the Choctaw Nation.

Your petitioner further shows that the aforesaid Albert Stanley is the second child born to her and the beforementioned Benjamin F. Stanley after they moved to the Choctaw Nation, and that said Albert Stanley was born after the aforesaid Benjamin F. Stanley was placed upon the roll by the council of the Choctaw Nation.

*William K. Kunkel*  
Attorneys for Petitioner.  
*South Memphis, T.*

I/ Sylvia Tilley, do solemnly swear that the facts set forth in the foregoing petition are true.

*Sylvia Tilley*  
mark

Subscribed and sworn to before me  
this 1 day of March, 1900.

*Paul O'Kelly*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHOCTAW ALLOTMENT CONTEST NO. 127.

Richard P. Jennings,

Contestant,

vs.

McCurtain Lester, a minor,  
by his mother and natural  
guardian, Alice Lester,

Contestee.

LAND IN CONTROVERSY.

( The west half of the northwest  
quarter; southeast quarter of  
the northwest quarter; south  
half of the northeast quarter  
of the northwest quarter; and  
the northwest quarter of the  
northeast quarter of the north-  
west quarter, of section 21,  
township 9 north, range 17 east  
of the Indian Meridian, contain-  
ing 160 acres.

APPEARANCES:- ( For the Contestant, Winfield S. Farrer, Attorney.  
( For the Contestee, McKennon & Dean, Attorneys.

FINDINGS AND DECISION.

After an investigation of the records of the Commission  
and due consideration of the pleadings and evidence in this case,  
the Commission finds as follows:

STATEMENT OF RECORDS.

The records of the Commission show:

That Richard P. Jennings, the contestant, and McCurtain  
Lester, minor contestee, are citizens of the Choctaw Nation and are  
entitled to allotments of the lands of the Choctaw and Chickasaw  
Nations.



That on May 18, 1903, Alice Lester appeared at the Choctaw Land Office and made application to have the land in controversy, together with other lands, set apart to her minor child, McCurtain Lester, as a portion of his allotment selection, and the same was by the Commission set apart to the said McCurtain Lester as a portion of his allotment selection.

That on September 18, 1903, the contestant, Richard P. Jennings, appeared at the Choctaw Land Office and made application for the land in controversy as a portion of his allotment selection, and the same having been theretofore selected as herein stated, the said contestant was so notified by the Commission and the Commission refused to issue to the said Richard P. Jennings a certificate of selection for said tract.

That on September 18, 1903, the contestant herein filed his complaint, duly verified, in which he states:

"That he, Richard P. Jennings, is 49 years of age and a citizen of the Choctaw Nation. That on the 18th day of September, 1903, he made application to the Commission to the Five Civilized Tribes at the Choctaw Land Office to take in allotment for himself the W 1/2 of the N W 1/4, the S E 1/4 of the N W 1/4, the S 1/8 of the N E 1/4 of the N W 1/4 and the N W 1/4 of the N E 1/4 of the N W 1/4 of S 21, T 9 N R 17 E and it appeared of record that on the 18th day of May, 1903, the said tract of land was selected by Alice Lester for McCurtain Lester, a minor, who was in her charge.

The contestant further states that he is the owner of the lands, premises and improvements above described and was the owner of the same on the 18th day of May, 1903, and that upon said lands are houses, fences and other improvements and that he claims title to said land by bill of sale from Albert Standley, a citizen of the Choctaw Nation Indian Territory.

WHEREFORE, contestant prays that Richard P. Jennings be permitted to take in allotment the tract of land herein described. "

That on September 30, 1903, this cause was set for trial at the Atoka Land Office on November 23, 1903, at nine o'clock A. M., and notice of contest and summons was issued to the contestee.



That on October 20, 1903, return of said notice of contest and summons was filed, showing service, on October 9, 1903, upon McCurtain Lester, minor contestee, by delivering a copy thereof to Alice Lester, who had the said McCurtain Lester in her charge.

That on November 23, 1903, said cause was called for trial. The contestant was present in person and by counsel and the contestee was present by his father, Preston S. Lester, and by counsel. Both parties announcing ready, the cause was heard and taken under advisement by the Commission.

#### FINDINGS OF FACT AND CONCLUSION.

The land in controversy in this case is the west half of the northwest quarter; the southeast quarter of the northwest quarter; the south half of the northeast quarter of the northwest quarter; and the northwest quarter of the northeast quarter of the northwest quarter of section twenty-one, township nine north, range seventeen east of the Indian Meridian, containing 150 acres.

It appears from the evidence that the land in controversy belonged originally to a Choctaw Indian by the name of Mahatubbee, and that said land, together with other property, passed into the possession of B. F. Standley, deceased, who was a citizen of the Choctaw Nation, and that the 150 acres in controversy remained in possession of Sylvia Standley Tillie, a white woman, widow of the said B. F. Standley, deceased, until her death, after which time all this land was, except the northwest quarter of the northeast quarter of the northwest quarter, by an agreement in writing signed by the heirs of said B. F. Standley, apportioned to Albert (alias Buck) Standley as a part of his allotment selection.

That at the time of the making of said agreement between the heirs of said B. F. Standley, deceased, it was stipulated in said agreement as follows:

"That as there is some question as to whether or not Buck Standley is on the roll, that in event he should not be enrolled, or his name expunged from the roll and not entitled to allotment, the other parties to this contract are to have an undivided interest in equal proportion to each in the farm herein agreed to be set aside for him. "

That on or about May 10, 1903, an agreement was made between Albert (alias Buck) Standley and the contestant, for the purchase of the improvements upon said place, the consideration being \$550.00 which was to be paid when the land in suit was filed on by the contestant; but a bill of sale was not in fact made between said parties until September 17, 1903, upon which date the contestant first learned that said land had been filed upon by the contestee and that said contestee had been in possession of said land and the improvements thereon for a period of four months.

That during the said four months the heirs of the said B. F. Standley, deceased, never agreed upon a division of said tract containing said improvements among themselves, and have not since attempted to make disposition of the same.

The record of the Commission shows that on May 10, 1903, the date of the aforesaid agreement, the said Albert (alias Buck) Standley was an applicant for identification as a Mississippi Choctaw.

The evidence further shows that the contestee owns no improvements upon the land in controversy, except as to improvements upon the northwest quarter of the northeast quarter of the northwest

quarter of said land, and that although he knew said land was cultivated and improved, he made his filing herein without notice to the contestant, or to Albert (alias Buck) Standley, or to the heirs of the B. F. Standley estate, of his intention to make application to so file, and no effort was made by the contestee to determine the rightful owner or owners of said improvements, that notice of the contestee's intention to file upon said land might be given.

The evidence further shows that the contestant in person and by his grantors held possession of the land in controversy and variously designated as the widow Cacy place and the Jeff Chambers' place, except that portion of the land involved in this suit described as the northwest quarter of the northeast quarter of the northwest quarter of section 21, township 9 north, range 17 east, containing ten (10) acres, and situated in the Martin place, which latter tract of land described as being occupied by John B. Martin and his sub-tenants was, by virtue of an agreement signed by E. F. Standley and Sylvia Standley, guardian, dated June 19, 1895, conveyed to P. S. Lester, together with all the improvements thereon.

All the land in suit, therefore, should be awarded to contestant except the ten acre tract above described as the northwest quarter of the northeast quarter of the northwest quarter which should remain a portion of the contestee's allotment.

#### J U D G M E N T

It is therefore the judgment of the Commission that the west half of the northwest quarter, the southeast quarter of the northwest quarter, and the south half of the northeast quarter of

the northwest quarter of section twenty-one, township nine north, range seventeen east of the Indian Meridian, containing one hundred and forty (140) acres of the tract of land in controversy herein, be awarded to the contestant, Richard P. Jennings; and that the northwest quarter of the northeast quarter of the northwest quarter of said section twenty-one, township nine north, range seventeen east of the Indian Meridian, and containing ten acres of the tract of land in controversy herein, be awarded to the minor contestee, McCurtain Lester; and that certificates of selection be issued to them respectively in conformity with this judgment, and that the records of the Choctaw Land Office be made to conform in all things to this decision.

*Jame Dixby.*

---

Chairman.

*T. B. Needles.*

---

Commissioner.

*C. R. Brookridge.*

---

Commissioner.

Dated this 10 day of October, 1904.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHOCTAW LAND OFFICE.

CHOCTAW ALLOTMENT CONTEST NUMBER 127.

Richard P. Jennings, Contestant, }

- vs. - }

McCurtain Lester, a minor, Contestee. )

NOTICE.

To Richard P. Jennings, the above named contestant, or W.S. Farmer, his attorney of record, and McCurtain Lester, the above named contestee, or Messrs. McKennon & Dean, his attorneys of record:

You are hereby notified that on October 10, 1904, the Commission to the Five Civilized Tribes rendered its decision in the above entitled and numbered cause, awarding the West half of the Northwest quarter; the Southeast quarter of the Northwest quarter and South half of the Northeast quarter of the Northwest quarter of Section 21, Township 9 North, Range 17 East of the Indian Meridian, containing one hundred and forty acres of the tract of land in controversy herein, to Richard P. Jennings, the contestant herein; and adjudging that the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 9 North, Range 17 East of the Indian Meridian, containing ten acres, be and remain a portion of the allotment selection of McCurtain Lester, minor contestee herein; that a copy of said said decision of the Commission is hereto attached; that twenty days from date of receipt of this notice by contestant's attorney of record are allowed contestant in which to appeal from said decision to the Commissioner of Indian Affairs and to serve a copy of said appeal on the opposite party; and that thirty days from the date of this notice are allowed contestee in which to appeal from said decision to the Commissioner of Indian Affairs and to serve a copy of said appeal on the opposite party.

Dated this 7 day of November, 1904.

  
Chairman.

Service of the foregoing notice and attached decision by copy is hereby acknowledged this \_\_\_\_ day of November, 1904.

Counsel for Contestant.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1906.

Albert Stanley,

Bower, Indian Territory.

Dear Sir:

Your letter of September 27, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you are a Choctaw by blood and your sisters Ida, Ada, Inas and Mabel Stanley have already been enrolled and you ask to be advised the cause of the delay in your case.

In reply to your letter you are advised that it appears from the records of this office that Ida Norman, formerly Standley, Ada A. Tilly, formerly Standley and her sisters Mabel and Inez Standley have been enrolled as citizens by blood of the Choctaw Nation and their enrollment as such approved by the Secretary of the Interior May 9, 1904.

It appears from the records of this office that these persons were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 and that no appeal was taken from said decision to the United States Court within the time provided by law. It does not appear that you were included in the original petition

to said Commission in 1896 nor does it appear that application has been made for your enrollment as a citizen of the Choctaw Nation and in this connection your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law."

Seemingly, the provision of law above quoted is determinate as to your alleged claim to enrollment as a citizen of the Choctaw Nation. If, however, you still desire to appear before the Commissioner at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any applica-



A. S. 98

tion of any character was made for your enrollment as a citizen of the Choctaw Nation within the time provided by law.

Respectfully,

A handwritten signature, possibly "J. H. R.", written in dark ink. The signature is slanted and includes several vertical strokes at the end.

Commissioner.

*Canadian*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T. November 12, 1906.

In the matter of the alleged application for the enrollment of Albert Standley as a citizen of the Choctaw Nation.

ALBERT STANDLEY, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Albert Standley.  
Q How old are you? A Thirty-two.  
Q How long have you lived in the Indian Territory? A All my life.  
Q Have you ever in any manner been recognized by the Choctaw tribal authorities as a citizen by having any money paid you or having your name placed on any tribal rolls? A I have had no money paid to me.  
Q Have you ever personally, prior to this time, appeared before the Commissioner to the Five Civilized Tribes and made application for enrollment as a citizen? A Yes sir.  
Q Have you any enrollment as a citizen? A Yes sir, I have. The name got misplaced---  
Q Where did you make application; have you ever personally, for yourself, made any application to be enrolled as a Choctaw citizen? A Yes sir.  
Q Where? A Here.  
Q When? A Three years ago.

The records of the office of the Commissioner to the Five Civilized Tribes fail to show any application made by or on behalf of Albert Standley for enrollment as a citizen of the Choctaw Nation prior to December 1, 1905.

There is filed herewith a letter of the Commissioner to the Five Civilized Tribes of October 17, 1906, addressed to Albert Stanley, advising him of his right to appear before the Commissioner for the purpose of establishing whether an application was made for his enrollment as a citizen of the Choctaw Nation within the time prescribed by law.

- Q Have you anything more you want to say? A I believe that is all. I was here three years ago.  
Q Have you any documentary evidence to show that anything is written? A It ought to be in here. (Witness produces copy of decision in Choctaw Allotment Contest No. 127).

# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
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Q How long have you lived in the Indian Territory? A All my life.  
Q Have you ever in any manner been recognized by the Choctaw tribal authorities as a citizen by having any money paid you or having your name placed on any tribal rolls? A I have had no money paid to me.  
Q Have you ever personally, prior to this time, appeared before the Commissioner to the Five Civilized Tribes and made application for enrollment as a citizen? A Yes sir.  
Q Have you any evidence to show that fact, any documentary evidence to show that you have made application for enrollment? A Yes sir, I have. The name got misplaced----  
Q Where did you make application; have you ever personally, for yourself, made any application to be enrolled as a Choctaw citizen? A Yes sir.  
Q Where? A Here.  
Q When? A Three years ago.

The records of the office of the Commissioner to the Five Civilized Tribes fail to show any application made by or on behalf of Albert Standley for enrollment as a citizen of the Choctaw Nation prior to December 1, 1905.

There is filed herewith a letter of the Commissioner to the Five Civilized Tribes of October 17, 1906, addressed to Albert Stanley, advising him of his right to appear before the Commissioner for the purpose of establishing whether any application was made for his enrollment as a citizen of the Choctaw Nation within the time prescribed by law.

- Q Have you anything more you want to say? A I believe that's all. I was here three years ago.  
Q Have you any documentary evidence to show that---anything in writing? A It ought to be in here. (Witness presents copy of decision in Choctaw Allotment Contest No. 127).

(2)

Q You want to file that? A Yes sir.

The applicant offers and there is filed by him as a contention that an application was made for his enrollment, a copy of the decision of the Commission to the Five Civilized Tribes of October 10, 1904, in Choctaw Allotment Contest No. 127, entitled Richard P. Jennings, contestant, vs. McCurtain Lester, a minor, by his mother and natural guardian, Alice Lester, contestee.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Olga Petroff*

Subscribed and sworn to before me this 15th day of November, 1906.

*Walter N. Chappell*  
Notary Public.

Memo. 280.

O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the alleged application for the enrollment of Albert (or Buck) Standley as a citizen by blood of the Choctaw Nation.

-----ccOoo-----

It appears from the record herein that on November 12, 1906, Albert Standley appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for his enrollment as a citizen by blood of the Choctaw Nation within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the records in the possession of this office that any formal application had ever been made for the enrollment of said applicant as a citizen by blood of the Choctaw Nation prior to December 1, 1905. It appears, however, that on January 15, 1903, said applicant appeared before the Commission to the Five Civilized Tribes and made application for identification as a Mississippi Choctaw under the name of Buck Standley; that on August 1, 1903, said Commission denied said application, and on December 17, 1903, said action was approved by the Department.

I am of the opinion that the records in charge of the Commissioner to the Five Civilized Tribes establish that application was made for the enrollment of Albert Standley as a citizen by blood of the Choctaw Nation within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 16 1907

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of Albert (or Buck) Standley as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of Albert (or Buck) Standley as a citizen by blood of the Choctaw Nation within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that said applicant was born in the year 1876, and is the son of B. F. (or Frank) Standley, now deceased, a one-half blood Choctaw Indian, and Silva Standley, now deceased, a non-citizen; and that said applicant was a resident in good faith of the Indian Territory on June 28, 1898.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicant and his father, B. F. (or Frank) Standley, are identified upon the 1885 Choctaw Census Roll, Gaines County, opposite Nos. 652 and 649, respectively, enrolled thereon as citizens by blood of the Choctaw Nation.

I am, therefore, of the opinion that Albert Standley should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FLB 19 1907

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Memo-280

COPY

Muskogee, Indian Territory, February 25, 1907.

Albert Stanley,

Canadian, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, granting the application for your enrollment as a citizen by blood of the Choctaw Nation.

You are further advised that the name of Albert Stanley granted in said decision has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.  
Memo-280.

Memo-280

COPY

Muskogee, Indian Territory, February 25, 1907.

McKemon & Dean,

Attorneys-at-law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 19, 1907, rendered his decision granting the application for the enrollment of Albert Stanley as a citizen by blood of the Choctaw Nation.

You are further advised that the name of Albert Stanley granted in said decision has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.  
Incl. Memo-280.

Memo-280

COPY

Muskogee, Indian Territory, February 25, 1907.

S. Heard,

Attorney-at-law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 19, 1907, rendered his decision granting the application for the enrollment of Albert Stanley as a citizen by blood of the Choctaw Nation.

You are further advised that the name of Albert Stanley granted in said decision has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.  
Incl. Memo-280.

Memo-280

COPY

Muskogee, Indian Territory, February 25, 1907.

Winfield S. Farmer,  
Attorney-at-law,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 19, 1907, rendered his decision granting the application for the enrollment of Albert Stanley as a citizen by blood of the Choctaw Nation.

You are further advised that the name of Albert Stanley granted in said decision has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.  
Incl. Memo-280.

Memo-280

COPY

Muskogee, Indian Territory, February 25, 1907.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, granting the application for the enrollment of Albert Stanley as a citizen by blood of the Choctaw Nation.

You are further advised that the name of Albert Stanley granted in said decision has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Memo-280.

C. H. T. 100

Choc 6076

Florence Stanhope

Granted Feb. 18, 1907

See Petition #W-76

6076

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment as a  
citizen by intermarriage of the Choctaw nation of . . . . .

FLORENCE STANHOPE.....Memo. 293.

4-6076



Memo. 293.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 12, 1907.

-----

In the matter of the alleged application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Zona Stanhope as a citizen of said nation.

APPEARANCES: J. F. Sharp, attorney at law, Purcell, Indian Territory, appears on behalf of the applicants.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

-----ooOoo-----

FLORENCE STANHOPE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Florence Stanhope.  
Q How old are you? A I am thirty-four years old.  
Q What is your post office address? A Paoli, I. T.  
Q Have you ever made application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.  
Q In person? A Yes sir.  
Q Where? A At Ardmore.  
Q When? A In '98.

It does not appear from the records in the possession of this office that any formal application has ever been made for the enrollment of the above named applicants as citizens of the Choctaw Nation.

Q Who did you appear before at that time?  
A Chickasaw Bill Bourland and Linton Telle.  
Q Did you ever attempt to make application at any other time?  
A Not until last February.  
Q And who did you attempt to make it before?  
A Well, I employed Mr. Sharp.  
Q That is all you did was to employ Mr. Sharp? A Yes sir.  
Q In February, 1906? A Yes, February, 1906.  
Q Have you ever written to the Commission or the Commissioner to the Five Civilized Tribes about your right to enrollment as a citizen by intermarriage of the Choctaw Nation?  
A No sir, I never.  
Q Never wrote any kind of a letter? A No sir, Linton Telle told me there was no chance, I had married out, and Bill Bourland told me the same thing, therefore, I didn't ever try again.

- Q Linton Telle and this other man were Choctaw officials?  
 A Yes sir. After I saw others about going there why then I put in another application.  
 Q You have never written to the Department at Washington either about your right to enrollment? A No sir.  
 Q Then the only thing you have ever done, as you claim, is that you made application at Ardmore in '98 and employed your attorney a year ago? A Yes sir.  
 Q Did you attempt to make application for your daughter, Zona Stanhope, in '98? A No sir.  
 Q Just for yourself alone? A Just for myself alone.  
 Q And then no application has ever been made for the enrollment of Zona Stanhope prior to the filing of the petition on February 2, 1906? A No sir.  
 Q She is a white child, isn't she? A Yes sir.  
 Q Her father is a white man? A Yes sir.  
 Q Have you ever employed any body to write to this office or the Department at Washington about your right to enrollment as a citizen by intermarriage of the Choctaw Nation?  
 A No only Mr. Sharp.  
 Q And you didn't employ him until February, 1906?  
 A Yes sir.  
 Q How old is Zona Stanhope? A She will be twelve next July.  
 Q What is the name of her father? A Joe Stanhope; J. C. Stanhope is his initials.  
 Q Is he a citizen of the Choctaw or Chickasaw Nations?  
 A No sir.  
 Q He is a non-citizen white man? A Yes sir.

(Witness excused.)

JOE STANHOPE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Joe Stanhope; J. C. Stanhope.  
 Q How old are you? A I am thirty-seven.  
 Q Your post office? A Paoli, I. T.  
 Q You are the husband of Florence Stanhope who has just testified?  
 A Yes sir.  
 Q Do you know anything about any application ever having been made for the enrollment of Florence Stanhope and her child, Zona Stanhope, as citizens of the Choctaw Nation?  
 A Only in either August or September, 1898, the Dawes Commission at that time were at Ardmore, and I took her from Arthur, I. T. to Ardmore in a wagon and saw them there--A. Telle and W. H. Bourland--I think McKennon was Chairman of the Commission at that time--and made application there to them, and they advised us not to put any more money into it if they were us; he said all they could do was to put her on a white card.  
 Q Have you ever written any letters to this office about your wife's right and the right of your child to enrollment?  
 A No sir.

Q Did you ever write to the Department at Washington either about their rights? A No sir.

(Witness excused.)

FLORENCE STANHOPE, being recalled, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q Did you make application to the Commission to the Five Civilized Tribes in 1896? A Yes sir.  
Q In '96? A No.  
Q Under the provisions of the Act of Congress approved June 10, 1896? A '96, yes sir.  
Q Before you appeared at Ardmore? A Yes, I believe it was '96.  
Q Well, did you file a petition? A No.  
Q Now think a minute before you answer that question?  
A No, I believe it was '98 I was there instead of '96.  
Q Well, then you don't mean to say you made application two years before that in '96? A No.

(Statement by Mr. Stanhope):

That is the only application since we was married. We was married in '94 and that time we went to Ardmore is the only time she ever made any application. We went to Duncan to appear before the Choctaw Commissioners at one time but didn't appear before them.

(Examination of Mrs. Stanhope - Continued.)

Q At the time you were in Ardmore in 1898, was the Commission in session at that place? A Yes sir.  
Q But you didn't appear before the Commissioner at all?  
A No sir.  
Q You just talked with Mr. Telle and Mr. Bourland?  
A Yes sir, and when they told me that I thought there was no use.  
Q Through whom do you claim your right to enrollment as a citizen by intermarriage of the Choctaw Nation? A Johnson Frazier.  
Q Was he a Choctaw Indian? A Yes sir.  
Q When were you married to him? A I was married to him in '86.  
Q What month and date? December the 2nd.  
Q Where were you living at that time? A I was living two miles from Lehigh?  
Q Choctaw Nation? A Yes sir.  
Q Where was he living? A He was living there.  
Q Is Johnson Frazier living at this time?  
A Yes sir, he is living.  
Q Whereabouts? A Calvin.  
Q What is the name of his father? A I forgotten his name.  
Q What is the name of his mother? A I never knew his mother; his mother is dead.  
Q How old a man was he when you married him? A He was twenty-three.  
Q Is he married now? A Yes sir.  
Q What is his wife's name? A I don't know:

- Q How long did you live together? A We lived together about four months.
- Q And then did you separate? A Yes sir.
- Q Did you get a divorce? A Yes sir.
- Q Where did you live together during those four months, in the Choctaw Nation? A Yes sir, Choctaw Nation.
- Q Have you resided any place but the Choctaw Nation since you lived with Johnson Frazier? A No sir, only the Choctaw and Chickasaw Nations.
- Q Lived in both of the Nations, have you? A Yes sir.
- Q Never lived in any of the adjoining states? A No sir.
- Q Were you married before you married Johnson Frazier? A No sir.
- Q Was Johnson Frazier married before? A Yes sir, I think he was.
- Q Was his wife living? A I don't know whether she was or not.
- Q Do you know whether he had a divorce from her? A Yes, he was divorced.
- Q What was the name of that woman? A I don't know.
- Q How long had you lived in the Choctaw Nation when you married Johnson Frazier? A I came there when I was eight years old, and I lived there till I was nineteen.
- Q And then where did you go? A I came to the Chickasaw country.
- Q When was Zona Stanhope born? A She was born in '85; no, '95; I got them mixed.
- Q She is the child of J. C. Stanhope and yourself? A Yes sir.
- Q Mr. Stanhope is a white man? A Yes sir.
- Q Non-citizen of the Choctaw or Chickasaw Nation? A Yes sir.
- Q Who performed this marriage ceremony joining you in marriage with Johnson Frazier? A Jesse Bond.
- Q Who is he? A He was an ordained Cumberland Presbyterian minister; full blood Indian minister.
- Q Where did he reside? A He lived in Atoka County near Lehigh.
- Q Is he living at this time? A No sir, he is dead.
- Q Did you get a marriage certificate at the time of your marriage? A Mr. Frazier did.
- Q What became of it? A I don't know.
- Q Did you ever have it in your possession? A No sir.
- Q Do you know whether Mr. Frazier has that certificate now? A No sir, I don't know.
- Q Did you ever make any inquiry? A No sir, I didn't.

BY MR. SHARP:

- Q At whose home or at what place were you married to Johnson Frazier? A At Mr. Silas Lawrence's.
- Q Who was Mr. Silas Lawrence? A Well, he is a brother of Mr. Joe Lawrence and Mr. Sid Lawrence.
- Q Well, is he a citizen? A Yes sir, he is a citizen by blood of the Choctaw Nation.
- Q Was he a resident of that section of the country at the time you were married? A He was, yes sir.
- Q You say that the Rev. Jesse Bond was a full blood Choctaw Indian? A Yes sir.

- Q An ordained minister of the Cumberland Presbyterian faith?  
A Yes sir.
- Q Could he talk English? A No sir.
- Q How then was the marriage ceremony performed between you and your husband? A Mr. Lawrence interpreted to me.
- Q What Mr. Lawrence? A Mr. Si Lawrence.
- Q You could not talk Indian yourself? A No sir, I couldn't.
- Q Could your husband, Johnson Frazier, talk Indian?  
A Yes sir.
- Q Could he talk English? A Yes sir.
- Q How long did you live in the Lawrence neighborhood prior to your marriage to Johnson Frazier?  
A About three or four years; I can't be positive which.
- Q Were you well acquainted with Si Lawrence? A Yes sir, personally acquainted with him.
- Q Where did you and your husband reside during your short married life? A At Calvin Perry's ranch in about three quarters of a mile of Mr. Si Lawrence's house.
- Q Mrs. Stanhope, at the time of your marriage to Johnson Frazier did he--- Just tell the Commissioner what you know relative to any previous marriage he may have contracted?  
A Well, all I know he just told me that he had a woman, but never said whether they had a ceremony or anything like that, but I just taken it for granted there was.
- Q How long did you know him prior to your marriage?  
A I had known him about four months.
- Q At that time how near did you live to where he resided?  
A About eight or ten miles, I guess it was.
- Q Did you have any knowledge of his having a living wife from whom he was not separated and divorced? A No sir.
- Q Did he ever tell you he had a legal wife from whom he was not divorced? A No sir, he never did.
- Q Mrs. Stanhope, you please tell the Commissioner when you first consulted with me relative to making an application for your enrollment as a Choctaw intermarried citizen?  
A It was the 19th day of September, '95.
- Q Prior to that time had you known me? A No sir, I had never saw you before.
- Q How did you come to consult with me and employ me at that time?  
A Well, I had learned lately that the law they tried to pass about marrying out they couldn't enforce, and I was entitled to a right as an intermarried citizen. I had found it out in that year.
- Q On the date you employed me, I will ask you to state whether or not you and I entered into a written contract on that date?  
A Yes sir.
- Q And that contract was in relation to my employment in your citizenship case? A Yes sir.
- Q Mrs. Stanhope, in your examination by the Commissioner you stated that you had not employed counsel until January or February, 1906. Please state what you had in mind when you made this statement? A Well, it was just a mistake; it just slipped my memory about my going to see you at that time.
- Q Did you or not have reference to the time that I made your formal application for you, which was made, as a matter of fact, or prepared on the 31st day of January, 1906, and filed here on the 2nd day of February, 1906? A Yes sir.

- Q You then desire your testimony to show that you employed counsel on the 19th day of September, 1905? A Yes sir.
- Q Do you know what portion of Choctaw blood Johnson Frazier possessed? A Why, I think he was a half breed.

I ask that the records of the Commissioner be referred to and extracts therefrom incorporated in the record in this case showing the citizenship of Johnson Frazier.

BY THE COMMISSIONER:

Johnson Frazier, through whom the applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation, is identified upon Choctaw field card No. 3265, opposite No. 9424, approved by the Secretary of the Interior February 4, 1903.

BY MR. SHARP:

- Q You stated a moment ago Mrs. Stanhope that shortly prior to the time of my employment that you had been informed that intermarried citizens who had again married, or in other words married out, had lost their rights by that second marriage? A Yes.
- Q State to the Commissioner whether or not you had acted under that impression?

BY THE COMMISSIONER:

That is immaterial, I think, Mr. Sharp.

BY MR. SHARP:

Well, it would show good faith on their part wouldn't it.

BY THE COMMISSIONER:

Well, it don't make any difference if the records of this office show that an application has been made for her.

BY MR. SHARP:

- Q When were you married to your present husband, Mrs. Stanhope?  
A '94.
- Q Where and by whom? A I was married by a Christian minister by the name of Gipson; I believe that was the name.
- Q At what place? A Near Duncan; about twelve miles from Duncan.
- Q What is your present husband's name? A Joe Stanhope, J. C. Stanhope.
- Q Have you and he resided together since the time of your marriage?  
A Yes sir.
- Q Your petition here states that you are the mother of one child, Zona Stanhope? A Yes sir.
- Q Is that child born as the result of your marriage to Joe Stanhope? A Yes sir.
- Q Is that child now living? A Yes sir.



- Q The Rev. Jesse Bond, the minister that married you, how long had you known him prior to the time he performed the marriage ceremony? A I had known him about a year and a half, I guess.
- Q And he was a regular minister of the gospel was he?
- A Yes sir.
- Q Was he a missionary among the Indians? You say he was a full blood Indian? A I think he was.
- Q He was a man well known among the people down there?
- A Yes sir.
- Q Now just state to the Commission the occasion of you and your husband's separation?
- A Well, he left me; he drove me away; he wasn't kind to me; I was a dutiful wife to him.

## BY THE COMMISSIONER:

- Q What is the name of your father? A J. P. Collins.
- Q What is the name of your mother? A My mother is dead; my step-mother is---
- Q Well, I just want your mother's name? A Hettie Baker.
- Q Both white people? A Yes sir.
- Q Citizens of the United States? A Yes sir.
- Q Either of them living? A My father is living.

(Witness excused.)

-----

SILAS LAWRENCE, being first duly sworn, testified as follows:

## EXAMINATION BY MR. SHARP

- Q State your name, age and place of residence?
- A My name is on the roll as Silas Lawrence.
- Q What is your age, Mr. Lawrence? A Sixty-three.
- Q Where do you live? A I live sometimes at Duncan and sometimes at Owl, and sometimes at Legal. My present home is at Legal with my daughter.
- Q Is that in the Choctaw Nation? A Yes sir.
- Q Are you a Choctaw Indian by blood? A Yes sir.
- Q How long have you lived in the Choctaw Nation?
- A I was born and raised there.
- Q Do you speak the English and Choctaw languages?
- A Yes sir.
- Q Do you know the applicant for citizenship, Florence Stanhope?
- A Yes sir, she lived right there near me when she married Johnson Frazier.
- Q How long have you known her? A Well, I known her ever since about---oh, I suppose a year probably before she married Johnson.
- Q About the year 1884? A Yes sir.
- Q Where did you know her at that time?
- A At that time she was living on Calvin Perry's ranch.
- Q Where was the Calvin Perry ranch? A About twelve miles north of Coalgate.
- Q In what county? A Atoka.



- Q Did you know Johnson Frazier at that time? A Yes sir.
- Q How long had you known him? A Ever since he was quite a boy; he was an own cousin to my wife.
- Q He was an Indian, Choctaw Indian, was he?
- A Yes sir, Choctaw by blood.
- Q What was his father's name? A Davis Frazier.
- Q State to the Commissioner what you might know relative to the marriage of Johnson Frazier and Florence Collins.
- A Well, they called on my as an interpreter in the case as Florence couldn't understand English.
- Q As who couldn't understand English? A She couldn't; the woman he was going to marry couldn't understand the Choctaw language.
- Q First I will ask you who performed that marriage ceremony?
- A Reverend Jesse Bond.
- Q Who was Jesse Bond? A A Cumberland Presbyterian ordained preached.
- Q How long had he lived in that community? A He had been living there a long time, twenty odd years.
- Q He was a full blood Choctaw? A Full blooded Choctaw.
- Q Did Johnson Frazier talk both English and Choctaw?
- A Yes sir, both.
- Q Now, state what you did?
- A Well, when they got up and took their places to be married, Rev. Bond asked Johnson Frazier in Choctaw "Is there anything in regard to law that would prevent you from marrying this woman"; he says "No"; that is what he said; that is the question he asked him "Is there anything in law that would prevent you from marrying this woman; have you no other marriage contract in view previous to this"; and he said "No"; and he told them to join hands; and he called out to them the ceremony and I interpreted it to her.
- Q Where were they married; at your home?
- A Right in my house.
- Q State who all was present if you know?
- A Well, I am certain my son, L. A. Lawrence, was there; he is on the roll as Lewis Lawrence; and Emma King, my daughter, was there.
- Q Where do they live now? A Emma King lives at Legal; I live with her; and Lewis lives about three or four miles northeast of Duncan with old Rev. Foster, his father.
- Q His father-in-law? A Yes sir.
- Q Now, can you think of any one else that was present?
- A I think Reed Bond was there; Simon Billy was there, but he is dead; I know Albert Perkins was there, an orphan boy I raised.
- Q Do you know that Mr. and Mrs. Frazier resided together after their marriage? A Yes sir, for a short while they did.
- Q Where? A Right near me there on the Calvin Perry ranch.
- Q Johnson Frazier now living? A Yes sir.
- Q Where at? A Calvin.
- Q In the Choctaw Nation? A Yes sir.
- Q At the time of his marriage---you have stated that he was a cousin of your wife---did you know of his having a legal wife living from whom he was not separated? A No sir, I did not.
- Q And how long did you say you had known him then?
- A Ever since he was a boy.
- Q How far apart did you live? A Well, sometimes he was in Jacks Fork County, and sometimes in Atoka County, and sometimes at my house, and first one place and then another, but whether he married anybody I couldn't tell you.

I desire to offer in evidence a letter written by myself on September 20, 1905, addressed to the Commissioner to the Five Civilized Tribes at Muskogee, I. T.

- Q Mr. Lawrence, do you know whether or not the Rev. Jesse Bond gave to Johnson Frazier or to his wife a marriage certificate after he performed the marriage ceremony?
- A When he went to pay him he asked him for his certificate, and he said "Here"---I could just see a little bit then---and he gave them a paper of some kind I supposed to be a certificate.
- Q He gave him some instrument in writing did he? A Yes sir.

(Witness excused.)

-----

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 12th day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

*Lenora B. Ashton.*

Subscribed and sworn to before me this 15th day of January, 1907.

*Chas E. Hobbs*  
Notary Public.

Purcell, I. T., Sept. 20, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:--

Kindly advise me whether or not the records of your office show Mrs. Florence Standhope of Paoli, Indian Territory, formerly of near Duncan, I. T. to have ever made application for citizenship as an intermarried Choctaw. Mrs. Stanhope's former husband was Johnson Frazier, a duly enrolled Choctaw Indian.

Awaiting your reply, which I trust will be promptly mailed me, I am,

Very respectfully,

(Signed) J. F. Sharp.

JFS-OHL.

Commissioner to Five Tribes.  
No. 44160-1905.  
Received Sep. 23, 1905.

Memo. 293.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, February 11, 1907.

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In the matter of the application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES: J. F. Sharp, attorney at law, Purcell, Indian Territory, appears on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

-----ooOoo-----

JOHNSON FRAZIER, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER;

Q What is your name? A Johnson Frazier.  
Q How old are you? A Forty-two.  
Q What is your post office? A Calvin.  
Q Do you know Florence Stanhope? A Yes sir.  
Q Were you at one time married to Florence? A Yes sir.  
Q What year were you married to her? A '85.  
Q What month in '85? A I don't know exactly the month; it was in November or December, somewhere there.  
Q Who married you? A Preacher named Jesse Bond.  
Q Where were you married? A Married in Atkoa County.  
Q At whose house? A Si Lawrences.  
Q Who was present at the time of your marriage other than Si Lawrence? A Why, there was a good many people there, but they are all dead. There is only one living; I guess he is living yet; his name is Simon Frazier.  
Q Where does Simon live? A He lives down about Owl, I think; the last I heard of him he lived at Owl. Si Lawrence's mother-in-law and his wife was both present, but they are dead.  
Q Did Jesse Bond speak English? A No sir.  
Q Could you speak English at the time you were married to Florence Stanhope? A Yes sir. Si Lawrence did the interpreting to Florence; he interpreted to Florence from the preacher.  
Q Had you ever been married before you married Florence Stanhope?  
A Yes.  
Q What was the name of your wife you had before her? A Eliza.  
Q Eliza who? A I don't know what the other was.  
Q Was she a white woman or Indian? A Indian.  
Q Was she living when you married Florence Stanhope? A Yes sir.  
Q Where was she living? A She was living in the same country.  
Q Had you been divorced from her? A Yes sir.  
Q Who secured the divorce, you or Eliza? A I did.

- Q At what court? A Known as Forks of Boggy.
- Q Who was the judge? A Vincent, Charley Vincent.
- Q What year was it you were divorced from her?
- A I think it was in 1885, in August.
- Q Well, you were only married to her, you say, in December?
- A No, that is Florence.
- Q You were divorced from Eliza in '85, in August? A Yes sir.
- Q Is Eliza living now? A No sir.
- Q When did she die? A She died about four or five years ago.
- Q Had you ever been married to any one besides Eliza before you married Florence? A No sir.
- Q How long did you live with Florence after you married her?
- A About a month.
- Q Then you separated? A Yes sir.
- Q Did you get a divorce from her? A I got--- That is what the lawyer said; I made application before a lawyer named Davis Homer, and he said I was divorced.
- Q In what county was the court where you got your divorce from Eliza? A At that time it was Atoka County, but I think they cut that county into Jackson County.
- Q Have you got a copy of your divorce from Eliza?
- A Why, I did have. Sometimes they send a copy and sometimes they don't. They say the record shows it and sometimes they don't send it out, but I got a copy of this one; I was right there present at the time, and got it from Eliza; and I understand it is in the office somewhere here.
- Q Did you marry after Florence Stanhope left you? A Yes sir.
- Q Who did you marry? A I married a girl named Rachel.
- Q White girl? A Yes sir.
- Q Is she enrolled as an intermarried citizen? A Yes sir.
- Q Are you living with her now? A No sir.
- Q Under what name is she enrolled? A Dunn.
- Q Rachel Dunn? A Yes sir.
- Q You were also divorced from Rachel Dunn? A Yes sir.
- Q Did the same judge grant you a divorce from Rachel Dunn that granted you a divorce from Florence Stanhope? A No, I don't believe it was the same judge.
- Q What was the name of the judge that granted you a divorce from Florence? A Vincent.
- Q Who granted you a divorce from Rachel Dunn? A It was Everidge, I think; I think that was Everidge.
- Q You say you were married to Eliza Frazier before you married Florence? A Yes sir.
- Q Was Eliza known by the name of Lizzie? A Yes sir, Eliza or Lizzie, either one.

There is on file in the record in the matter of the application for the enrollment of Rachel Dunn (7-5894), the original decree of divorce granted Johnson Frazier from Lizzie Frazier, on September 4, 1885.

BY MR. SHARP:

- Q Mr. Frazier, your wife, Eliza, about which you testified as being your first wife, is she and your wife, Lizzie Frazier, one and the same person? A Yes sir.
- Q Then, the Lizzie Frazier from whom you were divorced on the 4th day of September, 1885, was the Eliza, your first wife, about whom you have testified? A Yes sir.

- Q Please state whether or not Judge Vincent and Judge Everidge each had on different dates been judges of the Atoka County, Court? A They were District Judges.
- Q Each of them? A Yes sir.
- Q They both, then, had been district judges? A Yes sir.
- Q Your marriage to Florence Collins was, you say, in November or December, 1885? A Yes sir.
- Q At whose home? A Lawrences.
- Q Si Lawrences? A Yes sir.
- Q And you were married by Rev. Jesse Bond? A Yes sir.
- Q The divorce secured, or which you believe to be secured, between you and your wife, Florence, was on your petition was it? A Yes sir.
- Q You were the one that made the suit? A Yes sir.
- Q You employed Davis Homer to bring the suit for you? A He got the divorce. That is the only way to get a divorce is to get a lawyer, and in twenty days---
- Q He told you that he had got a divorce for you? A Yes sir.

(Witness excused.)

-----

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 11th day of February, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

*Lenora B. Ashton.*

Subscribed and sworn to before me this 11th day of February, 1907.

*Edward Merriam*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), and for the enrollment of Zona Stanhope as a citizen of the Choctaw Nation within the time limited by the provisions of Section Two of said Act. The application for the enrollment of Zona Stanhope being differently classified is not included in this decision.

The applicant, Florence Stanhope, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on December 2, 1886, to Johnson Frazier, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 9424 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior February 4, 1903, both of said persons being at the date of said marriage residents in good faith of the Choctaw Nation.

It further appears from the record herein that said applicant was a resident in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that Florence Stanhope should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 18 1907



Memo.-293

30P

Muskogee, Indian Territory, February 18, 1907.

Florence Stanhope,  
Paoli, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that your name will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Department action thereon.

Respectfully,

SIGNED: *Tams Bixby*  
Commissioner.

Registered.  
Incl. Memo. 293.

Memo-293

COPY

Muskogee, Indian Territory, February 18, 1907.

Johnson Frasier,

Calvin, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, granting the application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Florence Stanhope will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Department action thereon.

Respectfully,

SIGNED *Tamie Dixby*  
Commissioner.

Registered.  
Incl. Memo-293.

Memo-293

COPY

Muskogee, Indian Territory, February 18, 1907.

J. Y. Sharp,

Attorney-at-law,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 18, 1907, rendered his decision granting the application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of Florence Stanhope granted in said decision will be placed upon schedules of citizens by intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior. You will be notified of Departmental action thereon.

Respectfully,

SIGNED

Commissioner.

Registered.

Memo-293

COPY

Muskogee, Indian Territory, February 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, granting the application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Florence Stanhope will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Department action thereon.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.  
Incl. Memo-293.

COPY

W-76  
Memo. 293.

O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the alleged application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Zona Stanhope as a citizen of said nation.

-----00000-----

It appears from the record herein that on January 12, 1907, Florence Stanhope appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her minor daughter, Zona Stanhope, as a citizen of said nation, within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the records in the possession of this office that any formal application has ever been made for the enrollment of said applicants as citizens of the Choctaw Nation prior to December 1, 1905. It appears, however, that on September 23, 1905, there was received by the Commissioner to the Five Civilized Tribes from J. F. Sharp, attorney at law, Purcell, Indian Territory, a letter bearing date of September 20, 1905, wherein he requested to be advised whether or not any application had ever been made for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

On February 2, 1906, there was filed with this office a petition praying for the enrollment of the applicant, Florence Stanhope, as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Zona Stanhope as a citizen of said nation.

I am of the opinion that the letter above referred to constitutes a sufficient application for the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation made within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the petition filed with this office on February 2, 1906, should be considered as an application for the enrollment of Zona Stanhope as a citizen of the Choctaw Nation under the provisions of Section Two of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

Muskogee, Indian Territory,

SIGNED *Tame Bixby*

FEB 18 1907

Commissioner.

Form No. 2.

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**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Muskogee, I.T., February 8, 1901

To J. F. Sharp,

Purcell, Indian Territory.

In the matter of application of Florence Stanhope, intermarried

Choctaw, evidence showing whether or not Johnson Frazier was married  
prior to his marriage to the applicant must be furnished, not

later than Monday.

BIXBY, Commissioner.

C.B.G.R. Paid.

(COPY).

READ THE NOTICE AND AGREEMENT ON BACK.

Memo 293

Muskogee, Indian Territory, February 14, 1907.

J. F. Sharp,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your two letters of February 5 and February 11, 1907, asking for a copy of the testimony taken in the case of Florence Stanhope applicant for enrollment as an intermarried citizen of the Choctaw Nation; also copy of the decision when rendered.

In compliance with your request there is inclosed herewith copy of the testimony taken in the matter of the application for the enrollment of Florence Stanhope as an intermarried citizen of the Choctaw Nation, together with receipt therefor which please sign and return to this office.

You are advised that a copy of the decision will be forwarded you when the same has been rendered.

Respectfully,

EB 1-14.

Commissioner.



7-6076

Muskogee, Indian Territory, April 26, 1907.

Johnson Frazier,

Calvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, 1907, in which you ask to be advised if Florence Stanhope has been approved by the Secretary of the Interior and if a filing has been made for her.

In reply to your letter you are advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of Florence Stanhope as a citizen by intermarriage of the Choctaw Nation.

The matter of the filing for this person has been made the subject of a separate communication.

Respectfully,

Commissioner.

Choc 6077

Nora Pitman

6077

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment as a  
citizen by intermarriage of the Choctaw nation of . . . . .

NORA PITMAN.....~~Memo 399~~

7-6077

Ardmore, Ind. Ter., June 21, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Sir: -

One, Nora Martin, an intermarried citizen, and who was the wife of Samuel Martin, a Choctaw Indian by blood, has been in to see us concerning her claim to citizenship. She is unable to give us much information as to the status of her claim. She says that she was before the Commission in '96 or '97, when they were at Pauls Valley, and that she afterwards employed a lawyer to look after the case for her, but does not know whether he ever took any additional proof or not.

In as much as she is unable to give us any information about this, and not knowing whether or not we can do her any good, we write you to know the status of her case, who has testified, if any one, in her behalf, and whether or not you have on file a certified copy of her marriage to Martin, and what attorney, if any is shown on your records, has been representing her. Her name is now Nora Pittman, having married D. K. Pittman in 1901. She is the mother of Willie Martin, by this union with Samuel Martin, who has been admitted as a Choctaw Indian by blood, and has filed on his land on Mud Creek. If any testimony is lacking in this case, is it too late to get it in, and if not, at what time will you hear it?

Please let me hear from you.

Respectfully,

W.I.C.

Cruce, Cruce & Bleakmore.

Commission to Five Tribes.  
No. 30684-1905.  
Received Jun. 22, 1905.

Memo. 299.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 31, 1907.

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In the matter of the alleged application for the enrollment of Nora Pitman as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES: W. R. Bleakmore, of Cruce, Cruce & Bleakmore, attorneys at law, Ardmore, Indian Territory, appears on behalf of the applicant.  
No appearance on behalf of the Choctaw and Chickasaw Nations.

-----ooOoo-----

NORA PITMAN, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Nora Pitman.  
Q How old are you, Mrs. Pitman? A I am thirty-four.  
Q What is your post office? A Woolsey.  
Q Do you claim that application has been made for your enrollment as a citizen by intermarriage of the Choctaw Nation?  
A Yes sir.  
Q When? A Well, I don't know just what date, but it was when the Dawes Commission first came to Pauls Valley; I don't remember though just what date it was.  
Q Who made that application for you? A I did.  
Q Is that the only time that you ever personally appeared and made application? A Yes sir, that is the only time.  
Q What was your name at the time you appeared at Pauls Valley?  
A Martin.  
Q What was your full name? A Nora Martin.  
Q Did you ever appear before that time? A No sir.  
Q Never made application to the Commission in 1896, two years before the Commission was at Pauls Valley?  
A No sir, I never did till they come to Pauls Valley.  
Q And you have never been to this office before? A No sir, I have never been to this office.  
Q Did you ever give testimony at any other time? A Yes sir, I have wrote to Bixby here.  
Q Well, I asked you if you gave testimony? A No, I never did, I never was here before.  
Q Have you ever written any letters to this office about your right to enrollment as an intermarried Choctaw? A Yes sir.  
Q When did you write the first letter? A Well, I don't remember, I have been a writing a year or so.

- Q When did you write the first letter; what year was it in?  
A Well, I wrote one two years ago, I believe was the first letter I have wrote.
- Q What year was it? A '95.  
Q 1905? A Yes, 1905.
- Q What month? A Well, I don't know.
- Q Where was that letter written from? A It was written from Woolsey.
- Q Who was it addressed to? A Bixby.
- Q Did you write the letter yourself? A Yes sir.
- Q What did you state in that letter? A I don't know.
- Q What did you write about? A Well, I stated my case before him, of course, but I don't know what words I wrote.
- Q Well, just give me the substance of what you stated in that letter? A Well, of course, I wrote him and told him that I had married a Choctaw by blood; and I wanted to know his advice about it, of course, and I told him about the time when I went before the Commission and made application, and who was with me at that time.
- Q Did you get a reply to that letter? A Yes sir.
- Q Have you that with you? A No, I haven't got it with me.
- Q Have you it at home? A Yes sir.
- Q What did the reply state? A Well, he told me to come and bring my witnesses.
- Q What name did you sign to that letter that you refer to?  
A Nora Pitman.
- Q How long have you been a Pitman? A Six years.
- Q Did you ever write any letters other than the one you have already testified about? A No sir.
- Q Is that the only letter you have written? A That is the only letter I have written to him.
- Q Well, did you ever write any letters to the Department at Washington? A I wrote letters to the Secretary of the Interior; I wrote one I know.
- Q When? A Well, it was the same time I wrote the other.
- Q What did you write to the Secretary? A Well, I wrote them about the same I did to Bixby.
- Q Did you get a reply from the Department? A Yes sir.
- Q What did they tell you? A Well, I don't remember what they told me, but I could get the letters; they are at home.
- Q Can you have them sent in here within five days? A Yes sir.
- Q Did you write any other letters besides the one you stated you wrote to this office and the one you wrote to the Department?  
A No sir.
- Q Those are the only letters you ever wrote about your right to enrollment? A They are the only ones.
- Q In the letter that you wrote to the Department, did you sign your name Nora Pitman? A Yes sir.
- Q Write the letter yourself? A Yes sir.
- Q Through whom do you claim your right to enrollment as an inter-married citizen? A Samuel Martin.
- Q Is he a Choctaw Indian? A Yes sir.
- Q Is he living? A Yes sir, I reckon he is.
- Q What is his post office? A I don't know where he is at.
- Q When did you see him last? A Well, it was the same year that the Commissioner come there at the Valley was the last time I saw him; I don't remember what date it was.

- Q Where were you living at the time you were married to Samuel Martin? A We was living at Foster in the Chickasaw Nation.
- Q Was he living there also? A Yes. Well, he was living at Robberson then.
- Q What nation is that? A Chickasaw.
- Q You and he were both living in the Chickasaw Nation?
- A Yes sir.
- Q How long had you lived in the Chickasaw Nation? A Well, I have lived here-----
- Q Well, how long had you lived there at the time you were married to Samuel Martin in the Chickasaw Nation? A Two years.
- Q What is the date of your marriage to Samuel Martin?
- A July the 8th, 1901.
- Q 1891? A Yes sir.
- Q Where were you married to him? A We was married on Sandy Barrett at Mr. Winters.
- Q What is Sandy Barrett? A Well, Robberson is the nearest place.
- Q Who married you? A Seberly.
- Q Who was he? A He was a Methodist preacher.
- Q Have you got any evidence of your marriage? A Yes sir.
- Q Did the preacher give you a certificate? A Yes sir.
- Q Have you got it? A No, I haven't got it.
- Q What did you do with it? A Why, I burned it.
- Q Was anybody present when you were married? A Yes sir.
- Q Who? A That lady there (indicating lady in the room).
- Q What is her name? A Winters. Well, her name is Ivey now; her name was Winters then.
- Q What is her full name? A Lizzie Ivey.
- Q Who else was present at the time you were married? A C. E. Winters was present and Charles Winters, but he is dead; C. E. Winters is living; he was present.
- Q Is C. E. Winters present here to-day? A No sir.
- Q Were you married at the Winters' home? A Yes sir.
- Q Why did you destroy your marriage certificate?
- A Well, I didn't think I would ever need it.
- Q Was it ever recorded? A Yes sir.
- Q In what county? A At Ardmore, I don't know what county.
- Q Did you have a United States license? A Yes sir.
- Q How long did you live with Martin? A Three years.
- Q Then what happened? A Well, I left him.
- Q Did you remarry after you left Martin? A Yes sir.
- Q Who did you marry? A D. L. Pitman.
- Q Is he a white man? A Yes sir.
- Q Since you left Samuel Martin where have you lived?
- A I have lived in the Territory most of the time; I have visited in Texas, but I lived in the Territory.
- Q When you left Sam Martin in 1894, where did you go?
- A Well, I went to Mrs. Winters there at Robberson in the Chickasaw Nation.
- Q How long did you stay with her? A Why, I stayed there two or three months and then I visited my sister in Texas, and then I came back to her house.
- Q When did you come back? A I don't remember what date it was.
- Q How long did you stay in Texas? A Oh, I stayed there eight or ten months.
- Q What did you do while you were in Texas? A Oh, I done first one thing and another, worked, of course.



- Q What year were you married to Mr. Pitman? A We was married in '95, I reckon.
- Q Where were you living then? A I was in Texas then.
- Q What month in '95 were you married to Mr. Pitman?
- A It was June the 25th.
- Q How long did you live down there after you were married?
- A We lived down there a year.
- Q Then where did you go? A We came to the Territory.
- Q Where did you settle? A There on Mud Creek.
- Q Near what post office? A Woolsey.
- Q How long did you live there? A Well, we are living there now.
- Q Been living there ever since you moved up there? A Yes sir.
- Q Had you been married prior to the time you married Martin?
- A No sir.
- Q Had Martin been married before he married you? A No sir.
- Q How old was Martin when you married him? A I don't know how old he was.
- Q Haven't you any idea how old he was? A Why, he was about in thirty, I guess.
- Q Then? A I guess he was; I don't know.
- Q What was the name of his father? A I don't know.
- Q What was the name of his mother? A His mother's name was Sophia Winters.
- Q Is she any relation to the witness you have here to-day?
- A No sir.

Sam Martin, through whom the applicant claims her right to enrollment as a citizen by intermarriage, is identified upon Choctaw field card 5675, opposite No. 14995, approved by the Secretary of the Interior October 15, 1903.

- Q Did you have any children by Sam Martin? A One.
- Q What was the child's name? A Willie Martin.
- Q Is the child living now? A Yes sir.
- Q Who is it living with? A She is living with me.
- Q You have selected its allotment? A Yes sir.

BY MR. BLEAKMORE:

- Q Do you recollect the year that you appeared before the Commission at Pauls Valley? A No, I don't.
- Q Was it after you had been married to Mr. Pitman? A No, it was before; I lived a widder seven years.
- Q Now, were you divorced from Martin? A Yes sir.
- Q In the United States court or the Indian court? A Yes sir, United States court.
- Q At what place? A Mills County, Texas.
- Q You instituted your suit for divorce in Texas? A Yes, I did.
- Q Have you got a copy of that divorce decree? A Yes sir, I have got it.
- Q It is at your home? A Yes sir.
- Q Will you produce that within the next week before the Commission, that decree of divorce? A Yes, I can.
- Q Let it come in with the letters that have been referred to in your evidence here? A Yes sir.

## BY THE COMMISSIONER:

- Q Now, Mrs. Pitman, you read and write, do you not? A Yes sir.  
 Q You are acquainted with the months in the year? A why, yes sir.  
 Q You keep track of time? A No, I don't much.  
 Q You stated that you wrote a letter to the Commission you thought in 1905. I wish you would look at this letter I hand you here, and see if this is the letter to which you referred. Is it?  
 A No, this aint the one I thought.  
 Q That letter was received at this office on June 29, 1906, and dated at woolsey, June 27, 1906. Now, I wish you would look at this letter I hand you here, and see if that is the letter you referred to? A Yes, that is the one I wrote him.  
 Q That is the letter? A Yes, that is the one.  
 Q That is the only letter you have written? A Yes, that is the only one I remember about.

The letter last shown witness is dated February 1, 1905, and was received by the Commission to the Five Civilized Tribes February 8, 1905.

## BY MR. BLEAKMORE:

- Q You stated that at the time you appeared before the Commission to the Five Civilized Tribes they were at Pauls Valley, Indian Territory; was that right? A Yes, they was at Pauls Valley.

Applicant offers in evidence a letter of date 6/27/1906, at Woolsey, Indian Territory, and stemped on the back, "received June 29, 1906."

(Witness excused.)

-----

LIZZIE IVEY, being first duly sworn, testified as follows:

## EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A My name is Lizzie Ivey.  
 Q How old are you, Mrs. Ivey? A I am forty-six.  
 Q What is your post office? A Robberson.  
 Q Are you acquainted with Nora Pitman? A Yessir.  
 Q How long have you known her? A Oh, I have known her about twelve years.  
 Q Where was she living at the time you became acquainted with her?  
 A She was living at Foster.  
 Q Was she married at that time? A No sir.  
 Q Had she been married? A No sir, she hadn't when I first got acquainted with her.  
 Q And you have only known her for twelve years? A Oh, I will take that back; I have known her for fourteen year.  
 Q Had she been married when you became acquainted with her?  
 A No sir.  
 Q Do you know whether or not she was ever married to Samuel Martin?  
 A Yes sir; she was married to him; married to him at my house.

- Q In what year? A Well, I declare, I disremember what year she did marry in.
- Q She testified she was married to him in 1891, sixteen years ago?
- A Well, she was; she was living at my house. I know by one of my children's ages.
- Q You say you have only known her fourteen years; she says she was married sixteen years ago? A Of course, I have known her ever since she came to the Territory. I reckon she come to the Territory about seventeen years ago. If I had have studied I would have known, because I got acquainted with her when she first came here, and my girl is sixteen years old, and she was married at my house when my little girl was a baby.
- Q Who married them? A Parson Seberly, a Methodist preacher.
- Q Is he living now? A I don't know; he was living a year or so age down here at Ardmore.
- Q Did you know Samuel Martin, the man she married? A Yes sir.
- Q Is he related to you? A No sir, he is Mr. Winter's step-son.
- Q Your husband's step-son? A Yes sir, he married Sam's mother, Sophia Martin.
- Q Who else was present at the marriage of these people?
- A C. E. Winters, my step-son, and Mr. Winters, my husband.
- Q Do you know the name of the parents of Samuel Martin?
- A Yes sir, Sophia Martin was his mother's, and I don't know his father's. His father died before we come here, and I never did hear his name; that is, his given name.

BY MR. BLEAKMORE:

- Q Do you know whether Martin and the applicant here were married under a license issued out of the United States Court?
- A Yes sir, they was married.
- Q It was exhibited there at the time of the marriage, was it?
- A Yes sir.

(Witness excused.)

-----

NORA PITMAN, being recalled, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q You are a white woman, are you not? A Yes sir.
- Q What is the name of your father? A A. Bivins.
- Q What is the name of your mother? A Martha C. Bivins.
- Q Either of them living? A My father is living.
- Q Mother dead? A Yes sir.
- Q They are both citizens of the United States? A Yes sir.

(By Commissioner, addressed to Mr. Bleakmore):

If Mr. Seberly is living at Ardmore, you ought to get a certificate from him if he has any record of this marriage, and forward it to this office.

By Mr. Bleakmore:

And in the event he is not there, I desire to introduce a certificate of the Clerk of the United States Court at Ardmore, showing that the records of the marriage licenses issued in the year 1891 were destroyed in the year 1895 by fire.

(Witness excused.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 31st day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Subscribed and sworn to before me this 5<sup>th</sup> day of February, 1907.

*Edward Merriam*  
Notary Public.

DEPARTMENT OF

Commissioner to the

FILE

FEB 8 1907

United States Court, and case I have in return of the same, as  
required by law. M. present possession address is Overbrook,  
L.I.

Indian Territory,  
Southern District. }

I, J.C. Scivally, do hereby certify  
that I was, in the year 1891 and ever since have been, a  
regularly ordained minister of the Gospel. That in the year  
1891, I performed a marriage ceremony at the home of Mr.  
Winters between Samuel Martin and Nora Bivens. That they  
were married by virtue of a license issued out of the  
United States Court, and that I made due return of the same, as  
required by law. My present postoffice address is Overbrook,  
I.T.

<sup>Handwritten</sup> File 5-10 1907

J.C. Scivally

40



JNO. J. OOK.  
ATTORNEY AT LAW.

Nora Martin

vs

Samuel Martin.

In District Court of Mills County Texas

March Term 1898.

On this, the 16th, day of march, 1898 this cause coming on for trial, came the plaintiff and announced ready for trial, but the defendant came not, and wholly made default herein, and it appearing to the Court that defendant has been duly served with citation, more than ten days, before the first day of the present term of this court; and the Court having heard the pleading, evidence and argument of Counsel, is of the opinion that the plaintiff is entitled to the relief prayed for, and that the material allegations in plaintiff's petition have been proven.

It is therefore, by the Court considered, ordered and adjudged that the bonds of Matrimony, as the same have heretofore existed, between the plaintiff, Nora Martin and the defendant Samuel Martin, be and the same are hereby dissolved.

That the Marriage relation heretofore existing between said parties be and the same is set aside and wholly annulled, and the parties released from the obligation of same and that the plaintiff have judgement against the defendant, Samuel Martin, for all costs of this suit. But that the officers of this court have judgement against the plaintiff for their costs, provided same cannot be made out of defendant, for all of which let execution issue.

That the plaintiff, Nora Martin, have the custody of Willie, the minor daughter of plaintiff and defendant, and the fruit of said marriage.

DEPARTMENT OF THE INTERIOR  
Commissioner to the Interior

FILE

FEB 7 1907



Commissioner


INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, C. M. Campbell, Clerk of the United States Court, Southern District, Indian Territory, do hereby certify that on April 17, 1895, a fire destroyed the Court House at Ardmore, Indian Territory, together with a part of the records; that among such records destroyed were all the Marriage License Records prior to that date; that this office is, therefore, unable to furnish a certified copy of any Marriage License issued and recorded prior to that date, because of such loss.

IN TESTIMONY WHEREOF, Witness my hand and official seal, this 1st day of February, 1907.

C. M. CAMPBELL, Clerk.

By

 Chief Deputy.

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF CUSTOMS AND EXCISE

FEB 1 1901

ADMISSION

Robertsair I.T. 6/14/05-

This is to certify that we the undersigned  
were present at the marriage of Samuel Martin  
and Nora Bivens on or about July 1st 1891--

They were married at our place and we  
are personally acquainted with both parties

C. E. Winter.

J. E. Winter

Southern Dist.  
Ind. Ter.

Sworn to before me a Notary Public  
in and for the Southern Dist. Ind. Ter. this the 14  
day of June 1905-

Clarence E. Moreland

Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the alleged application for the enrollment of Nora Pitman as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on January 31, 1907, Nora Pitman appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and gave testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any formal application has ever been made for the enrollment of Nora Pitman as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. It appears, however, that on June 22, 1905, there was received by the Commission to the Five Civilized Tribes, from Cruce, Cruce & Bleakmore, Ardmore, Indian Territory, a letter bearing date of June 21, 1905, wherein they stated that Nora Pitman, who had formerly been married to one Samuel Martin, a Choctaw by blood, had made application to the Commission in 1896 or 1897 at Pauls Valley, Indian Territory, and requested to be advised of the status of her case.

I am of the opinion that the letter above referred to constitutes a sufficient application for the enrollment of Nora Pitman as a citizen by intermarriage of the Choctaw Nation made within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

FEB 15 1907

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Nora Pitman as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was  
duly made for the enrollment of Nora Pitman as a citizen by inter-  
marriage of the Choctaw Nation within the time limited by the pro-  
visions of Section One of the Act of Congress approved April 26,  
1906 (34 Stats., 137).

It further appears from the record herein that on July  
8, 1891, the applicant was lawfully married to Sam Martin, a recog-  
nized and enrolled citizen by blood of the Choctaw Nation, whose  
name appears as No. 14995 upon the final roll of citizens by blood  
of the Choctaw Nation approved by the Secretary of the Interior  
October 15, 1903; that at the time of said marriage both persons  
above mentioned were residents in good faith of the Chickasaw Nation;  
and that said applicant was a resident in good faith of the Indian  
Territory on June 28, 1898.

I am, therefore, of the opinion that Nora Pitman should  
be enrolled as a citizen by intermarriage of the Choctaw Nation  
under the provisions of the Acts of Congress approved June 28, 1898  
(30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so  
ordered.



Commissioner.

Muskogee, Indian Territory,

July 15, 1907



Muskogee, Indian Territory, February 15, 1907.

Nora Pitman,

Woolsey, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Nora Pitman will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Memo. 299  
Registered.

Muskogee, Indian Territory, February 15, 1907.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, granting the application for the enrollment of Nora Pitman as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that the name of Nora Pitman will be placed upon the next schedule of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Memo. 299  
Registered.

7-6077

Muskegee, Indian Territory, March 15, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 6, 1907, inclosing a certificate of Reverend J. C. Scivally to the effect that he performed the marriage ceremony between Samuel Martin and Nora Bivens and the same has been filed in the matter of the enrollment of Nora Pitman as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choc 6078

Abraham H. Nail

Refused 2-27-07

- 10 -

See Petition #C-131

6078

Commission to the Five Civilized Tribes,  
Atoka, Indian Territory.

In the enrollment of Abram H. , Matilda and John Nail, as Choctaws; John Nail being sworn and examined by com'r McKennon testifies as follows:

Q What is your name? A John Nail.

Q How old are you? A Forty-one.

Q How long have you been living in the Choctaw and Chickasaw Nations? A 15 years next December.

Q Have your father and mother also been living here all that time? A Yes sir.

Q Have they been living here in the Choctaw and the Chickasaw Nations fifteen years? A Yes sir, will be fifteen years in December.

Q Where did they come from? A The State of Texas.

Q They haven't lived anywhere else during that time? A No sir.

Q How long has Aaron been living here? A He came when we all came and has been living here all the while.

Q Have these others been living here all the while? A Yes sir.

Q James P. and Lizzie Nail, his wife, they have been living here all the while for the last fifteen years? A Yes sir.

Q They haven't lived anywhere else? A No sir.

Q You all moved here together? A Yes sir. Lizzie Nail and J.P. Nail live near Chickasha in the Chickasaw Nation, and the others live below Chickasha.

--- Department of the Interior,  
Commission to the Five Civilized Tribes.  
I hereby certify, upon my official oath as  
stenographer to the named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.  
*Madison*

UNITED STATES INDIAN SERVICE,

Union Agency.

Muskogee, I. T. Oct. 30th, 1891.

A. H. Nail

vs

Choctaw Nation.

Citizenship.

Opinion of Leo E. Bennett, U. S.

Indian Agent, on appeal taken from the decision of the Choctaw National Council.

In this case the claimant Abraham H. Nail, alleges that he is the son of Rev. William Nail, a quarter blood Choctaw Indian, who was a missionary among the Choctaws, Cherokees and Whites in Bladsoe County, Tenn. where he lived and died; that he, the claimant, A. H. Nail, came to the Choctaw Nation, Indian Territory, in the year 1874, and was recognized by his relatives, then living in the Choctaw Nation, as a Choctaw Indian; that in the year 1875, he presented his claim and submitted his proof to the Choctaw National Council and was admitted to citizenship; that the Act admitting him passed both houses, but was not recorded,] that since that time he and the members of his family have been recognized as citizens of the Choctaw Nation, by the authorities of said Nation, with a few exceptions; that in order to place the status of his citizenship beyond the question of a doubt, he again made application for citizenship to the Choctaw National Council in the year 1888, and was

rejected by Act of said Council approved Nov. 6th, 1888, "for want of proper evidence, also on account of being debarred by the laws of 1887 requiring all applications to be filed within 60 days from its passage". /

To support his allegations, the claimant produces the testimony of Maxilla Burroughs who lived in Tennessee in a county adjoining the home of the claimant and his father, who she states raised her father until he was 14 years of age, and of whom her father spoke as being a Choctaw, that she had often heard her father speak of the claimant as being his playmate during the time he lived with the Rev. Wm Nail and because the claimant is familiar with scenes and occurrences associated with her fathers early life, and of which she has often heard him talk, she believes that the claimant is the son of the Rev. Wm Nail, whom she knew as a Choctaw in Tennessee in the days of her childhood.

The testimony of her husband A. L. Burroughs whose early days were spent in Tennessee near the claimant's home, corroborate that of Mrs. Burroughs.

Mr. William Folsom testified that about the year 1875, the claimant was down among his people "and used to stay with us" that he had often heard him, the claimant, and his father talking and that his father (Ward Folsom) claimed Mr. Nail to be a Choctaw by blood, and he also heard his father say that he was a witness for Mr. Nail and he had often heard his father say that A. H. Nail



was related to the Nails and Folsoms of the Choctaw Nation.

Burrell Lee and Robert and Ellen Barger in their affidavits state that the Claimant A. H. Nail is the son of Rev. Wm Nail of Bledsoe Co. Tenn. and that they have known said claimant 55 and 60 years respectively.

Willis Folsom and Ward Folsom who were old men and prominent citizens of the Choctaw Nation, and to whom it appears from the evidence, the claimant made himself known when he first came to the Choctaw Nation, endorse the claimant's memorial to the National Council and certify that "We are perfectly satisfied that A. H. Nail is Choctaw descent and is entitled to all the rights and privileges of the Choctaw people."

All the evidence of which the foregoing is a synopsis, was presented to the Choctaw Council and formed a part of the case rejected by an Act approved Nov. 6, 1888, as above stated.

On the appeal to this office additional evidence was submitted in the affidavits of S. P. Perry, J. J. Gardner, Albert W. Gardner and C. H. Frazier, which in my opinion add strength to the claim.

S. P. Perry who is a man of considerable prominence among the Choctaws and Chickasaws, states that he is acquainted with the claimant A. H. Nail, that he is the son of the Rev. Wm Nail who was a Choctaw Indian by blood and was for many years a minister in

Tennessee and delivered his sermons in the Choctaw language, that he (the affiant) has heard him preach many times; that he is 77 years of age and has lived his life with the Choctaws and Chickasaws.

J. J. Gardner and Albert W. Gardner in their affidavits state that they are acquainted with the claimant A. H. Nail and were present at the Choctaw Council in 1875 or 1876 when the said A. H. Nail made application for citizenship; that in their presence, the claimants witnesses, Ward Folsom and Robert Nail, both of whom are now deceased, swore that A. H. Nail was a Choctaw Indian by blood and that he was related by blood to them (the said witnesses) and also to the other Nails and Folsoms of the Choctaw Nation, all of whom are Choctaws; that Willis Folsom was also a witness in the case; that they know the case passed the Council favorably and that the claimant was admitted to citizenship in the Choctaw Nation; that they were in the House of Representatives of the Choctaw Nation when the bill making him a citizen was read before that body and was signed by C. H. Frazier, who at that time was Clerk of the House of Representatives of the Choctaw Nation, and that they have been told that through some irregularity, the said bill failed to reach the proper record, and that they know that at that time there was a great deal of irregularity in keeping the records of the proceedings of the Council, and many papers were misplaced and lost.

Corroborative of the statements by J. J. and A. W. Gardner

is the affidavit of C. H. Frazier, who states that he was the Clerk of the lower house of the Choctaw Council in 1875 that he knows the claimant filed his claim for citizenship before said Council and that Ward Folsom and Willis Folsom were witnesses, that the application was granted in the Senate and delivered to affiant as the Clerk of the lower house, that it passed the house and affiant signed his own name as clerk and the speaker's name, that he does not know what became of the papers after they were delivered to the door keeper whose duty it was to deliver them to the Secretary; this witness also bears further testimony to the irregularity of the proceedings that obtained at this meeting of the Council.

The evidence in this case is all exparte but was taken after due notice to the Att'y of the Choctaw Nation, who after considering the testimony submitted rested his case on the Act of the National Council of Nov. 6, 1888, rejecting the claim and asks if the additional evidence is sufficient to add any weight to the original, and if the Act of 1887 requiring the filing of all claims within sixty days, debar said A. H. Nail from filing his claim if the evidence is sufficient to sustain the allegation that it was filed in 1875.

In my opinion the evidence submitted by the claimant is sufficient to establish his identity as the son of the Rev. Wm Nail, who it is shown by the testimony was a Choctaw Indian and recognized as such by the Choctaws living in Tennessee; it appears

further that when the claimant first came to the Choctaw Nation Ind. Ter. in 1874, he was able to produce sufficient proof to satisfy Ward Folsom and Willis Folsom, two old men and prominent Choctaw citizens, whose opinions were entitled to respect among their own people, that he was their kinsman and a Choctaw by blood who was entitled to the enjoyment of the rights and privileges of Choctaw citizenship; that he did convince them of this fact is attested by their certificate which appears in evidence, and by the affidavits of the son of Ward Folsom, that he had heard his said father say the claimant was a Choctaw and his Kinsman, and J. J. Gardner and A. W. Gardner, who heard the said Ward Folsom and Robert Nail swear to the same statement before the National Council in 1875.

It is farther shown by the affidavits of three living witnesses, credible persons and citizens of the Choctaw Nation, that the claimant was actually admitted to citizenship by an Act of the Choctaw National Council of 1875, and that because of the carelessness or inefficiency of the attaches of said Council, said Act was not recorded, thus depriving the beneficiary under said act of the benefits arising therefrom.

The failure to record should not deprive the claimant of the rights accorded him. I may go further and say that had the bill been recorded and could it be proven that the bill as recorded differed from the bill as passed, the record would have no validity in law.

Although the evidence submitted to the Choctaw Council in 1888, was not sufficient to prove, as in my opinion the additional evidence submitted on the appeal is, that the claimant was admitted to citizenship in 1875, it appears to me that he, at that time presented ample testimony to prove his Choctaw descent and his right to citizenship in said Nation.

From the record of the proceedings of the Choctaw Council of 1888, it appears that in many cases the law of 1887, requiring all claims for citizenship to be filed within 60 days from the passage of the Act, did not debar the claimant from presenting his claim and receiving favorable action thereon, as in the case of W. F. Foster and others whose claim was presented to the same Council, and by an Act approved Nov. 5th 1888, was admitted to citizenship as were other claimants upon different dates, during the same term of Council, from which the inference is reasonable that the law of 1887 did not enter (except spasmodically) into the consideration of claims to citizenship.

After a careful consideration of all the evidence submitted it is my opinion that Abraham H. Nail and his descendants are Choctaw Indians by blood, and that the claimant and his wife, Matilda J. Nail and his family John Nail, William Nail, James P. Nail and Aaron L. Nail should be admitted to participate in all the rights, privileges and immunities of Choctaw citizenship. All testimony submitted is herewith enclosed.

Very respectfully,  
Your obedient servant, Leo E. Bennett,  
U. S. Ind. Agt.

Morris.

COPY.

STATE OF TEXAS.

COUNTY OF TARRANT,

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

Know ye, that any person legally authorized to celebrate RITES OF MATRIMONY is hereby licensed to join in marriage, as husband and wife, Mr. J. P. Nail and Miss Lizzie Iman and for so doing this shall be his sufficient authority, and due return make in sixty days after solemnization.

IN TESTIMONY WHEREOF, I, as Clerk of Tarrant County, hereunto subscribe my name and affix the Seal of said Court, this the 24th day of December, 1885.

(Signed) Jno. F. Swayne,  
County clerk.

(SEAL)

STATE OF TEXAS;

TO WIT: TARRANT COUNTY, SS. THIS CERTIFIES That I joined in Marriage as husband and wife, Mr. J. P. Nail and Miss Lizzie Iman on the 25 day of Dec. 1885.

(Signed) E. S. Haynes, O. M. G.

Filed January 15, 1886.

Jno. F. Swayne, Clerk, Tarrant County Court.

Recorded in Vol. 4, page 37 the 22 day of January, 1886.

(Signed) Jno. F. Swayne,  
County Clerk, Tarrant County.

-----ooOoo-----

THE STATE OF TEXAS,

TARRANT COUNTY.

I, John P. King, Clerk of the County Court in and for Tarrant County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the original Marriage License issued by the Clerk of the County Court of said Tarrant County to J. P. Nail and Lizzie Iman together with the certificate

of the officer performing the marriage ceremony as the same appears on file in my office.

TO CERTIFY WHICH, Witness my official seal and signature at office in the City of Fort Worth, Texas, this the 18th day of August, A. D. 1896.

(Signed) John P. King,

Clerk of the County Court of Tarrant County, Texas

L. D. Prather, Deputy.

(SEAL)



Choctaw Court Card C. 353.

IN RE application of Abraham H. Nail and others.

Sworn by Commissioner Needles,

Abraham H. Nail says:

My wife Matilda J. Nail was admitted by inter-marriage. I live 8 miles south of Chickasha, Chickasaw Nation. I have lived there 4 years, Before that time I lived in the Choctaw Nation. I claim by blood. I married my wife in Tennessee under Tennessee law. My father claimed to be 1/4 Indian. His parents were 1/2 breeds. My Indian blood comes from my grandmother. My father's mother was Priccilla Babbitt. It was said by my father that she was a 1/2 breed. I applied to the Choctaw Council and was rejected, and the Clerk said they were drunk and lost the papers. I appealed to the Agent and he admitted me.

Chickasha, Oct. 21, 1898.

Abraham H. Nail  
Matilda J. Nail  
Aaron L. Nail  
John Nail

enrolled.

Choctaw Court Card C. 354.

IN RE application of James P. Nail and others.

Sworn by Commissioner Needles,

James P. Nail says:

I have lived in the Chickasaw Nation 5 years.  
I applied to the Choctaw Council with my father. I was rejected and  
appealed to the Agent who decided in my favor. The Dawes Commission  
rejected me. I first discovered that I was an Indian when I was a  
little boy. My wife is Lizzie, admitted by intermarriage.

Chickasha, Oct. 21, 1898.

James P. Nail  
Lizzie Nail

Enrolled.

Department of the Interior, Commissioner to the Five Civilized Tribes.  
In the matter of the application of Abraham H. Nail, John Nail, James P. Nail, and Aaron L. Nail for enrollment as Citizens by blood, and Matilda J. Nail and Lizzie Nail as Citizens by intermarriage of the Choctaw Nation of Indians.

TO THE HON. TAMS BIXBY COMMISSIONER:

Comes now your petitioners Abraham H. Nail, John Nail, James P. Nail, Aaron L. Nail, Matilda J. Nail, and Lizzie Nail, Citizens by blood and intermarriage of the Choctaw Nation of Indians, and with respect would show that the applicants, Abraham H. Nail, John Nail, James P. Nail and Aaron L. Nail are Citizens by blood of the Choctaw Nation, and applicants Matilda J. Nail and Lizzie Nail are Citizens by intermarriage of the Choctaw Nation of Indians. The applicants Abraham H. Nail, Matilda J. Nail were married on the 12th day of December 1844, and John Nail, James P. Nail, and Aaron L. Nail are Children of the said Abraham H. Nail and Matilda J. Nail. That James P. Nail and Lizzie Nail were married under the Tribal Laws on the 25th day of December 1885, and all of your petitioners are entitled to enrollment as Citizens of said Choctaw Nation.

Your petitioners further allege that prior to the year 1896 all of said petitioners were admitted to Citizenship and their names placed on the rolls as Citizens of the Choctaw Nation by the Hon. U United States Indian Agent for the Five Civilized Tribes.

Your petitioners further allege that all of said petitioners were in the year 1896, and for a long time subsequent and prior thereto bona fide residents of the Indian Territory, and exercising ownership over, and controlling and cultivating lands, and collecting the rents and revenues therefrom in the said Indian Territory. And are still residents of said Territory.

Wherefore your petitioners pray that the decision of the Commission to the Five Civilized Tribes heretofore rendered denying the application of your petitioners for enrollment as Citizens of the Choctaw Nation be reconsidered, the case reopened, and a hearing be granted, and that your petitioners be enrolled as Citizens of the Choctaw Nation.

Cruce, Cruce & Bleakmore,  
Barefoot & Carmichael, Attorneys.

On this the 23rd day of June, A. D., 1906, personally appeared before me the undersigned authority, Abraham H. Nail, James P. Nail and Aaron L. Nail, and Matilda J. Nail and Lizzie Nail, who upon oath state that they have read the forgoing petition and that the facts set forth in said Complaint are true.

(Signed) Abram J. Nail  
James P. Nail  
Aaron L. Nail  
Matilda J. Nail  
Lizzie Nail.

Subscribed and sworn to before me on this the 23rd day of June 1906.

(Signed) B. B. Barefoot,  
Notary Public.

(SEAL)

On this the 23rd day of June A. D., 1906, personally appeared before me the undersigned authority, J. P. Nail, who upon oath states that he is the brother of John Nail, and that the said John Nail is temporarily absent from the Indian Territory, and can not return in time to make these application in time prescribed by law. That if said John Nail was present he would sign and swear to the statements set forth in the above complaint.

(Signed) James P. Nail.

Subscribed and sworn to before me on this the 23rd day of June, 1906.

(Signed) B. B. Barefoot,

Notary Public.

(SEAL)

Indorsed:

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Filed Jun. 25, 1906.  
Tams Bixby, Commissioner.

7-5308  
7-5309  
C- 131.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 18, 1907.

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In the matter of the application for the enrollment of  
Abraham H. Nail, et al., as citizens of the Choctaw Nation.

APPEARANCES: W. R. Bleakmore, of the firm of Cruce, Cruce and  
Bleakmore, attorneys at law, Ardmore, Indian  
Territory, appears on behalf of the applicants.  
No appearance on behalf of the Choctaw and Chicka-  
saw Nations.

-----ooOoo-----

JOHN NAIL, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A John Nail.  
Q How old are you? A Forty-eight.  
Q What is your post office? A Purcell, Indian Territory.  
Q Are you the son of Abraham H. Nail? A I am.  
Q On June 25, 1906, there was filed with this office a petition  
praying for the enrollment of Abraham H. Nail, John Nail,  
James P. Nail, Aaron L. Nail, Matilda J. Nail and Lissie Nail  
as citizens of the Choctaw Nation. Are you the John Nail men-  
tioned in that petition? A Yes sir, I am.  
Q What is the name of your mother? A Matilda J. Nail.  
Q Where were you born? A In Bledsoe County, Tennessee.  
Q Did you remove here to the Indian Territory with your parents?  
A Yes sir.  
Q When did you come? A We came in 1884.  
Q Did all the petitioners in this case come at the same time?  
A Yes sir.  
Q And where did you locate? A Near Durant in the Choctaw  
Nation.  
Q You are living now at Chickasha? A No sir, Purcell.  
Q How long have you lived at Purcell? A I have been there a  
little over four months.  
Q Where did you live before you lived at Purcell?  
A I lived at Ninnekah.  
Q How long did you live in Ninnekah? A Twelve years.  
Q Continuously? A Yes sir.  
Q Did any of the other persons who are mentioned in this petition  
live at Ninnekah during that time? A Yes sir.  
Q Which one? A A. H. Nail, Matilda J. Nail and Aaron L. Nail.  
Q Did they live there during that twelve years? A Yes sir.

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- Q Where do James P. Nail and Lizzie Nail live?  
A They live in Chickasha.  
Q How long have they lived there?  
A About two month more than thirteen years.  
Q Continuously? A Yes sir.  
Q Your mother claims right as an intermarried citizen does she not?  
A Yes sir.  
Q When were your mother and father married? A I don't remember the date, but as well as I remember, I have heard them say it was 1844.  
Q Where were they married? A In Tennessees.  
Q Did they ever remarry after they came to the Indian Territory?  
A No sir.  
Q Where were James P. Nail and Lizzie Nail married? A In Tyler County, Texas.  
Q Were they living in Texas? A No sir, they were living in the Indian Territory. They went down to Tyler County and married there.  
Q What year were they married? A I believe it was 1885, about the latter part of the year, probably close to Christmas.  
Q You and the other members of your family claim your right as citizens of the Choctaw Nation by reason of having been admitted by the United States Indian Agent? A Yes sir.  
Q Is that the only ground upon which you base your right to enrollment? A By blood; we are Choctaws by blood.  
Q Do you claim to have any recognition other than the admission by the Indian Agent? A We were recognized by the District Court at South McAlester.  
Q Your petition alleges that the reason that you are entitled to be enrolled as citizens of the Choctaw Nation is by reason of the fact that you were admitted by the United States Indian Agent. Neither you or any member of your family were enrolled upon the 1885 Choctaw Census Roll, were you?  
A Not that I know of.  
Q Did you draw the 1893 Choctaw Leased District money?  
A No sir.  
Q Were you enrolled in 1896 upon the 1896 Choctaw Census Roll?  
A If we were I don't know it.

None of the applicants herein are identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

- Q Did you ever apply to the Choctaw Council or any legally constituted authority of the Choctaw Nation for admission to citizenship in the Choctaw Nation? A Yes sir.  
Q State when and to whom you applied? A Well, we applied in 1888 to the Choctaw Council; at least the case was passed upon then; I don't know when it was filed.  
Q Did you file the petition with the Choctaw Council?  
A Yes sir.  
Q Did you take testimony? A Yes sir.  
Q Did you introduce any witnesses? A Yes sir.  
Q What action was taken by the Council upon your petition?  
A We were rejected.  
Q What steps did you take then? A We applied then to the United States Indian Agent, Union Agency.



- Q What action was taken by the United States Indian Agent?  
A We were admitted to citizenship.
- Q Well, were all of the persons included in the petition filed with this office on June 25, 1906, included in the petition that you filed with the Choctaw Council in 1888?  
A No sir, I think not.
- Q Was Abraham Nail in that petition? A Yes sir.
- Q Was Matilda J.? A Yes sir, to the best of my recollection she was.
- Q Was yourself? A Yes sir.
- Q Aaron L.? A Yes sir.
- Q James P.? A Yes sir.
- Q Lizzie? A She was not, I don't think; I don't think her name was mentioned in that petition.
- Q She was married after that time, was she not? A She was married in 1885.
- Q What action was taken by the Indian Agent on your case after the appeal to him? A We were admitted on appeal, admitted to citizenship.
- Q Was the report of the Indian Agent ever submitted to the Commissioner of Indian Affairs or the Secretary of the Interior for approval? A I understand that the papers were sent to the Commissioner of Indian Affairs, but no action ever taken in the matter by him.
- Q No action was taken? A No sir, I never heard of any.
- Q By whom were you notified of the action of the Indian Agent?  
A By the Indian Agent himself, Leo E. Bennett.
- Q What time in 1888 was the petition filed by your father with the Choctaw Council? A I don't remember the date; in fact, I don't know that the petition was filed in that year, but it was passed upon in that year.
- Q Under what act of the Choctaw Council was the petition filed?  
A Well, sir, I don't know.
- Q William is dead, isn't he? A William Nail, my brother?
- Q Yes? A No sir, he lives in Texas.
- Q Through which one of your parents do you get your Choctaw blood, if any? A My father.
- Q How much did he claim to have? A One quarter.
- Q Quarter? A That is what I have heard him say.
- Q You claim an eighth? A Well, I suppose I would be an eighth; I have heard him say he was a quarter.
- Q How old is your father? A I think he is eighty-seven or eighty-eight.
- Q You know the name of his father and mother? A I know the name of his father.
- Q What is his father's name? A William.
- Q William Nail? A Yes sir.
- Q What place in Tennessee did your father reside before he came to the Indian Territory? A He resided---his post office was Robinson Cross Roads, Bledsoe County, Tennessee, and then it was afterwards changed to Sequatchie County.
- Q Do you know how long he had resided there before his removal to the Indian Territory? A No sir, I don't know; he was there at my earliest recollection.
- Q Was he born and raised in Tennessee? A Yes sir.
- Q At what place was he born? A Well, it was in Sequatchie Valley, about twenty-five miles up the valley from where we lived. I think his post office was Tollett's Mills as I understood it.

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- Q Is it a matter of family history where his father lived during his life time? A Well, he lived at Tollett's Mills the first recollection I have. As a matter of family history he came from Mississippi to Tollett's Mills and he resided there.
- Q Your mother is a white woman, isn't she? A Yes sir.

BY MR. BLEAKMORE:

- Q State whether or not it is a matter of history in the family that your grandfather, William Nail, is a minister of the gospel in Tennessee? A It is a matter of family history that he was a minister of the gospel.
- Q State whether or not you have heard whether he preached to Indians who lived in that community, or who were visiting there, and whether or not he preached in English or in the language of the Choctaws?
- A Yes, I have heard that he preached to Indians who lived in the State of Tennessee and who were visiting there, and that he preached both in the English and the Choctaw Languages.
- Q State whether or not it is a matter of family history that he always claimed to be a member of the Choctaw tribe of Indians?
- A It is a matter of family history that he claimed to be a member of the tribe.
- Q And that he was a one-half blood Choctaw? A Well, I have heard it different; I have heard he was a half blood, and I have heard he was a full blood.
- Q State whether or not you know as a matter of family history that he had relatives among the Indians residing in the State of Mississippi? A I have; I have heard that he had relatives residing in the State of Mississippi who were Indians by blood, Choctaws.
- Q Did they ever visit him as you know of, as a matter of history in the family? A As a matter of history, I have heard that they did.
- Q Abraham H. Nail is your father, is he? A Yes sir.
- Q James P. Nail is your brother? A Yes sir.
- A Aaron L. Nail is your brother? A Yes sir.
- Q Matilda J. Nail is your mother? A Yes sir.
- Q And Lizzie Nail is the wife of whom? A Of J. P. Nail.
- Q All of these people, except Lizzie Nail, were admitted by the judgment or decision of the United States Indian Agent, were they?
- A Yes sir, they were.
- Q And all of them applied for admission to the Council of the Choctaw Nation, did they? A All except Lizzie Nail, yes sir.
- Q All except Lizzie Nail? A I don't think her name was on the application.
- Q You may state whether or not you have held land either in the Choctaw or Chickasaw Nation, occupied lands and rented them out, as a citizen of the Choctaw Nation? A We did; we occupied lands in the Choctaw Nation for, I suppose, three or four years; I don't remember the exact length of time; occupied them and cultivated them ourselves and rented some of them.
- Q State whether or not the authorities of these nations issued to you or the tenants on your lands any permits under the Indian law?
- A They did issue us permits in the Choctaw Nation.
- Q State whether or not you voted in the elections held in the Choctaw Nation? A Myself and Aaron L. Nail voted in the National elections in the Choctaw Nation in 1891, I think it was.

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- Q At what point did you vote? A At Durant.  
Q Was it a county election or a general election? A General election.  
Q Election of the Governor? A Governor and some of the other national officers.  
Q You may state how long you have lived in the Choctaw and Chickasaw Nations, Mr. Nail? A About twenty-two years.  
Q You have resided in these nations all that time continuously have you? A Well, I was in Texas a few months for my health.  
Q But this has been your home during all that time?  
A Yes sir, this has been my home.

The applicants refer to an Act of the Choctaw Council approved October 21, 1882, known as Bill No. 8, which provides for applications by those persons claiming rights as citizens of the Choctaw Nation, and providing an appeal to the United States Indian Agent if their applications had been refused by the authorities of the Choctaw Nation, a copy of which, duly certified, is a part of the records of the Commissioner to the Five Civilized Tribes, and request that a copy of the same be made a part of the record in this case.

Applicants refer to and exhibit a portion of the record of the Citizenship Court in the custody of the Commissioner to the Five Civilized Tribes in cause No. 74, McAlester, entitled "Abraham H. Nail, et al., vs. Choctaw and Chickasaw Nations", which contains the original opinion of Leo E. Bennett, United States Indian Agent, in the case of A. H. Nail vs. the Choctaw Nation, and dated October 30th, 1891, and which contains also certain papers which purport to be the application of Abraham H. Nail to the Council of the Choctaw Nation, and certain affidavits and testimony presented before the authorities of the Choctaw Nation and the United States Indian Agent on appeal, and which show the answer of the Choctaw Nation on the appearance of said nation before the United States Indian Agent on said appeal by its attorney, all of which is contained in the first thirty-four sheets of the record of the Choctaw and Chickasaw Citizenship Court above referred to, and ask and request that the same be copied and made a part of the record in this case, and considered as a part of the evidence on behalf of the applicants.

BY THE COMMISSIONER:

- Q Are all these people mentioned in this petition filed with this office living? A Yes sir.

(Witness excused.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above cause on the 18th day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.  
Subscribed and sworn to before me this 21st day of January, 1907.

*Lenora B. Ashton*  
*B. P. Rasmus*  
Notary Public.

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O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of  
Abraham H. Nail, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on October 21, 1893, application was made to the Commission to the Five Civilized Tribes for the enrollment of Abraham H. Nail, John Nail and Aaron L. Nail as citizens by blood of the Choctaw Nation, and for the enrollment of Matilda J. Nail, wife of Abraham H. Nail, as a citizen by intermarriage of said nation; and that on the same date application was made for the enrollment of James P. Nail as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Lizzie Nail, as a citizen by intermarriage of said nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Abraham Nail, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 57), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of the applicants, Abraham H. Nail, Matilda J. Nail, John Nail, Aaron L. Nail, James P. Nail and Lizzie Nail; and that on December 1, 1896, said Commission rendered its decision therein, admitting said applicants as citizens of the Choctaw Nation.

From this decision an appeal was taken to the United States Court for the Central District of the Indian Territory (Central District Citizenship Court Case No. 84), and on August 26, 1897, said court admitted Abraham H. Nail, John Nail, James P. Nail and Aaron L. Nail as citizens by blood of the Choctaw Nation, and Lizzie Nail and Matilda J. Nail as citizens by intermarriage of said nation.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Thereafter, said cause was certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on April 18, 1904, in the case entitled "Abraham H. Nail, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 74, McAlester Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Abraham H. Nail, Matilda J. Nail, John Nail, James P. Nail, Aaron L. Nail and Lizzie Nail, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on June 25, 1906, a petition praying for the enrollment of the applicants herein as citizens of the Choctaw Nation, said petition alleging that the applicants had prior to 1896 been admitted to citizenship in the Choctaw Nation by a decision of the United States Indian Agent.

The record in this case shows that on October 30, 1891, Leo E. Bennett, United States Indian Agent, Union Agency, Muskogee, Indian Territory, on appeal from the adverse decision of the Choctaw National Council, under the provisions of an Act of said Council approved October 21, 1882, admitted the applicants, Abraham H. Nail, John Nail, Aaron T. Nail and James P. Nail as citizens by blood of the Choctaw Nation and Matilda J. Nail as a citizen by intermarriage of said nation.

The applicant, Lizzie Nail, was on December 25, 1885, under the laws of the State of Texas, lawfully married to James P. Nail, both of said persons being on the date of said marriage residents in good faith of the Choctaw-Chickasaw country.

All of the applicants herein were residents in good faith of the Indian Territory on June 28, 1898.

None of the applicants herein are identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that in accordance with the opinion of the Attorney General for the United States dated February 12, 1907, in the matter of certain citizenship cases referred to him for consideration by the Secretary of the Interior, the application for the enrollment of Abraham H. Nail, John Nail, Aaron T. Nail and James P. Nail as citizens by blood of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.

I am further of the opinion that the application for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.



Commissioner.

Muskogee, Indian Territory,  
FEB 27 1907

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Choctaw 5308  
Choctaw 5309

Muskogee, Indian Territory, September 27, 1902.

Stanley Nail,

Care Dallas News,

Dallas, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You state therein that your grandfather and three uncles, A. H. Nail, and wife, Aaron Nail, John Nail and Jim Nail and wife and family, were granted citizenship in the Choctaw or Chickasaw Nation by the United States Court, and you ask what steps you should take in order to assure your citizenship.

In reply to your letter you are informed that it appears from our records that Abraham H. Nail and his wife, Matilda J. Nail, and their children John Nail and Aaron L. Nail, and James P. Nail and his wife, Lizzie Nail, were, October 21, 1898, listed for enrollment as citizens of the Choctaw Nation, pursuant to a judgment of the United States Court for the Central District of the Indian Territory, rendered August 26, 1897, in court case, citizenship docket, Number 84. It also appears that the applications of William and Lethe Nail



for citizenship in the Choctaw Nation were refused in the said judgment of the Court rendered August 26, 1897, because of nonresidence in Indian Territory. It does not appear that the name of Stanton Nail was included in the application made in this case, nor that he was admitted by the judgment rendered in this case as referred to above.

The act of Congress of June 10, 1896, empowered the Commission to receive and determine original applications for citizenship in the Choctaw Nation for a period of ninety days from the date of the passage of that act, and since the expiration of the said ninety days from June 10, 1896, no authority has been vested with this Commission or any other body to receive or consider original applications for citizenship in the Choctaw Nation.

The act of Congress of May 31, 1900, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

You will therefore understand from this legislation that if you have not been duly enrolled by the tribal authorities of the Choctaw Nation or admitted to citizenship in that Nation by the tribal authority thereof, the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, that this Commission is without authority to receive, consider, or make any record of such application further than to determine whether or not it has jurisdiction.



The agreement recently entered into between the United States and the Choctaws and Chickasaws, as ratified by an act of Congress approved July 1, 1902, provides as follows:

During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

This agreement was voted upon by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902. We have not yet been advised of the result of said election, but, if adopted, the agreement became effective on the date of its final ratification.

Respectfully,

Acting Chairman.

Choctaw 5308  
Choctaw 5309

Muskogee, Indian Territory, January 16, 1903.

John Nail,

Ninnekah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1902, asking if the names of Abraham H., Matilda J., John, James P., Aaron L. and Lizzie Nail appear upon the final rolls of the Choctaw Nation. You give the history of the case, and state that these parties were admitted to citizenship in the Choctaw Nation by the United States Indian Agent, Union Agency, on appeal from the decision of the Choctaw Council, in the year 1888 or 1889, but that the Choctaw tribal authorities refused to enroll them under said decision of the Indian Agent; that in 1896 they made application to this Commission and were rejected, and, on appeal to the United States Court they were admitted to citizenship in the Choctaw Nation. You ask if the Commission can now enroll these persons under the decision of the Indian Agent, or if the claims of these persons must be adjusted by the citizenship court created under a recent act of Congress.

In reply to your letter you are advised that it appears from our records that Abraham H. Nail, Matilda J. Nail, John, Aaron L., James P. and Lizzie Nail were admitted to citizenship in the

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Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, rendered August 26, 1897, in court case, citizenship docket, Number 84. On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court", created under the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship or to enrollment as citizens of the Choctaw and Chickasaw Nations.

The act of Congress of July 1, 1902, above referred to, provides as follows:

"That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

It may be added that lands upon which the so-called court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen until their rights are finally determined.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of May 13, 1905 (I. T. D. 4329-1905), enclosing a letter from A. H. Nail, of Winnekah, Indian Territory, under date of May 2, 1905, referred to the Commission for early report, showing such information as the records of the Citizenship Court afford concerning the recognition of Mr. Nail and his family as citizens of the Choctaw Nation prior to the approval of the Act of Congress of June 10, 1896 (29 Stats., 321).

Mr. Nail alleges that about the year 1875 or 1876 he made application for the admission of himself and family as citizens of the Choctaw Nation; that after the submission of his application, business required his presence in the state of Texas, and that during his absence in that state the application was acted upon and he and his family were admitted to citizenship in the Choctaw Nation; that about the year 1888, his application was again acted upon by the Choctaw National Council, and he and his family were rejected by the Choctaw tribal authorities; but that on appeal to the United

States Indian Agent, Union Agency, Muskogee, Indian Territory, he, his wife, Matilda J. Nail, and his children, John Nail, William Nail, James P. Nail and Aaron L. Nail, were admitted to citizenship in the Choctaw Nation. He further alleges that by virtue of this admission by the United States Indian Agent, in April, 1891, he and the members of his family were allowed to vote in the national elections of the Choctaw Nation, were permitted to hold land and pasture cattle, and did enjoy all the privileges of Choctaw citizens; that when the Commission to the Five Civilized Tribes were receiving applications in 1896, he applied for the admission of himself and family and was denied, and on appeal to the United States Court at South McAlester, they were admitted in 1897; that he, with his family, continued to reside in the Chickasaw Nation until the Choctaw and Chickasaw Citizenship Court was created, when they were again forced to a trial of their citizenship, with the result that they were rejected.

Reporting in this matter, I have the honor to advise that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), there was filed with the Commission to the Five Civilized Tribes, on September 9, 1896, the petition of Abraham H. Nail, et al, for citizenship in the Choctaw Nation, the parties petitioner being:

Abraham H. Nail,  
Matilda J. Nail,  
John Nail,

William Nail,  
James P. Nail,  
Aaron L. Nail,  
Lizzie Nail,  
Letha Nail,  
Benjamin M. Nail,  
William R. Nail,  
James B. Nail.

The answer of the Choctaw Nation was duly filed, and on December 1st, 1896, a decision was rendered by the Commission, denying the application of the petitioners. From this decision of the Commission, the applicants appealed to the United States Court for the Central District of the Indian Territory, and said Court, on August 26, 1897, in the case of "A. H. Nail, et al, versus the Choctaw Nation", rendered a judgment admitting to citizenship in the Choctaw Nation, Abraham H. Nail, John Nail, James P. Nail and Aaron L. Nail, as citizens by blood, and Lizzie Nail and Matilda J. Nail as citizens by intermarriage of the Choctaw Nation. The Court, by its judgment of August 26, 1897, denied the admission to citizenship of William Nail and Letha Nail, finding that they were non-residents of the Choctaw-Chickasaw country and were actually residents and citizens of the state of Texas. As to the three other parties applicant in the original petition to the Commission to the Five Civilized Tribes, Benjamin M. Nail, William R. Nail and James B. Nail, there is no mention made in the judgment of the United States Court for the Central District of the Indian Territory.

This judgment of the United States Court for the Central District of the Indian Territory remained in full force and effect until December 17th, 1902, when it was vacated, set aside, and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court in the case of "Choctaw and Chickasaw Nations or Tribes versus J. T. Riddle, et al".

The case of Abraham H. Nail, et al, was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and after trial a decree was entered by said Court, as follows:

"It is ordered, adjudged and decreed that the petition of the plaintiffs, Abraham H. Nail, Matilda J. Nail, John Nail, James P. Nail, Aaron L. Nail, and Lizzie Nail, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

A copy of the decree of the Citizenship Court of April 18, 1904, and the opinion of Judge Henry S. Foote therein, has heretofore been furnished the Department.

The record in the case of Abraham H. Nail, et al, versus the Choctaw and Chickasaw Nations, Tishomingo Case No. 74 of the Choctaw and Chickasaw Citizenship Court, which is now in the custody of the Commission, contains an opinion rendered by Leo H. Bennett, United States Indian Agent, Union Agency, Muskogee, Indian Territory, October 30, 1891, in the matter of the citizenship of A. H. Nail, et al, in the Choctaw Nation, in which he finds



"that Abraham H. Nail and his descendants are Choctaw Indians by blood, and that the claimant and his wife, Matilda J. Nail, and his family, John Nail, William Nail, James P. Nail, and Aaron L. Nail, should be admitted to participate in all the rights, privileges and immunities of Choctaw citizenship."

This opinion of the United States Indian Agent, together with all the testimony filed with him, was, on November 7, 1891, transmitted to the Commissioner of Indian Affairs. There is nothing in the records of the Citizenship Court indicating what action, if any, was taken by the Secretary of the Interior upon the opinion and recommendation of the United States Indian Agent.

It appears from the records of the Commission that the only members of this family who have ever made application for enrollment as citizens of the Choctaw Nation under the Act of June 28, 1898 (30 Stats., 495), are Abraham H. Nail, his wife, Matilda J. Nail, and his three children, John Nail, Aaron L. Nail and James P. Nail, and Lizzie Nail, the wife of James P. Nail.

An examination has been made of the 1885 Choctaw Census Roll, the 1893 Leased District Payment Roll, and the 1896 Census Roll, and the names of none of these applicants appear upon said rolls, nor is there anything in the record in the case before the Citizenship Court indicating that they were ever admitted to citizenship by the Choctaw National Council, or any duly constituted court or committee of the Choctaw Nation.

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The letter of A. H. Nail, of May 2, 1905, is returned  
herewith.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

7-5308.

Muskogee, Indian Territory, January 21, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

In accordance with your request made on the date of the hearing in the matter of the application for the enrollment of Abraham H. Nail, et al., there is inclosed herewith copy of the testimony taken in said case at Muskogee, Indian Territory, on January 18, 1907. Kindly acknowledge receipt of the same.

Respectfully,

Commissioner:

L.B.A. 21-1.

7-5308

COP

Muskogee, Indian Territory, February 27, 1907.

John Nail,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for your enrollment and for the enrollment of Abraham H. Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.  
Incl. 7-5308

7-5308

COPY

Muskogee, Indian Territory, February 27, 1907.

Abraham H. Nail,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for your enrollment and for the enrollment of John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Registered.  
Incl. 7-5308

7-5308

COPY

Muskogee, Indian Territory, February 27, 1907.

Aaron L. Nail,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for your enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Irene Bixby*

Commissioner.

Registered.  
Incl. 7-5308

7-5308

COPY

Muskogee, Indian Territory, February 27, 1907.

James P. Nail,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for your enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of Lizzie Nail as a citizen by intermarriage of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Registered.  
Incl. 7-5308



7-5306

COPY

Muskogee, Indian Territory, February 27, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at law ,

Ardmore, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for the enrollment of Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*John H. H. H.*

Commissioner.

Registered.  
Incl. 7-5306

7-5308

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application and petition for the enrollment of Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 7-5308

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of Abraham E. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said applications.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

2 Incl.

Through the  
Commissioner of Indian Affairs.

D. C. 13274.

SPECIAL.

CHW.

DEPARTMENT OF THE INTERIOR,

S.P.

WASHINGTON.

March 4, 1907.

I. T. D. 7802-1907.  
IRS.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record,  
together with your adverse decisions in the following enrolment  
cases, concurring in your decisions:

Title of Case.

Dora Riley, et al. (intermarried Choc.)

George Crawford (intermarried Choc.)

Abraham H. Nail, et al. (Choctaw).

Hannie Guess, et al. (Choctaw freed.)

Neel Walker (Choc. freed.)

Patsie Alexander (Choc. freed.)

Arie Lewis (intermarried Choc.)

George Rosenthal (intermarried Choc.)

Ada Welsh, et al. (Choc. by blood)

William H. Moore, et al. (Choc. by blood)

William B. Hill, et al. (Choctaw)

James A. Blackburn, et al. (Cherokee)

Andrew T. Watie, et al. (Cherokee freed.)

The Department cannot concur in your decision in the  
case of Dora Riley, applicant for enrolment as a citizen of the  
Choctaw Nation.

In view of the opinion of the Attorney General in the  
case of William C. Thompson, et al., you are directed to enroll  
the said Dora Riley as a citizen by intermarriage of the Choctaw  
Nation.

The application for the enrolment of her child Florence T. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Choctaw Nation, as he was married to a woman admitted to citizenship in the Choctaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Choctaw Nation.

In the other cases submitted, the Department concurs in your decision adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

25 inc. to Ind. Of.  
MCW, 3-4-07.

Refer in reply to the following.

(COPY)

D. C. 13274

DEPARTMENT OF THE INTERIOR,

Land

OFFICE OF INDIAN AFFAIRS,

References in  
body of letter.

WASHINGTON. March 2, 1907.

The Wenerable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner, denying the applications for the enrollment of all the persons involved in the following cases:

21809	Cherokees By Blood. James A. Blackburn, et al.
21806.	CHEROKEE FREEMAN. Andrew T. Watie, et al.
21783,	CHOCATAWS BY BLOOD. William B. Hill, et al.
21782.	William B. Moore, et al.
21779.	Abraham W. Nail, et al.
21778.	Dora, et al.
21775.	Ada Welsh, et al.
	CHOCATAWS BY INTERMARRIAGE.
21776.	Dora, et al.
21779.	Abraham W. Nail, et al.

21781. George Rosenthal.  
21780. Arle Lewis.  
21776. George Crawford.  
CHOCTAW FREEDMEN.  
21784. Patsie Alexander.  
21786. Heel Walker.  
21777. Nannie and Isabell Gue.

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:LN



7-5308

*D-131*

Muskogee, Indian Territory, April 9, 1907.

John Nail,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for your enrollment and for the enrollment of Abraham H. Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

7-5308

Muskogee, Indian Territory, April 9, 1907.

Abraham H. Nail,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for your enrollment and for the enrollment of John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by inter-marriage of the Choctaw Nation.

Respectfully,

*C. D. Roberts,*

Acting Commissioner.

7-5308

Muskogee, Indian Territory, April 9, 1907.

Aaron L. Nail,  
Purcell, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

7-3308

Muskogee, Indian Territory, April 9, 1907.

James P. Nail,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for your enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of Lizzie Nail as a citizen by intermarriage of said Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

7-5308

Muskogee, Indian Territory, April 9, 1907.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for the enrollment of Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

Respectfully,

*See D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application and petition for the enrollment of Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood and for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Abraham H. Nail / B53  
Matilda J

John

Aaron L

+

Choc

So H c 84, Aug 26 94

+

None lived in the ~~territory~~  
Chickasaw Nation 4 years  
Matilda J. admitted by intermarriage  
Abraham & Matilda J. married in  
Tenn under Tenn law



Choc 6079

James P. Nail

Refused 2-27-07

See Pet. # C-131

For record see 7-6078

6079

Muskegee, Indian Territory, November 7, 1900.

Dr. T. H. East,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 24th of October, in which you desire to be informed whether or not James P. Nail is on the roll of citizens of the Choctaw or Chickasaw Nation, as being prepared by this Commission, stating that he claims to be a citizen by blood.

You are informed that the records of this Commission show that James P. Nail, 34 years of age, of Chickasha, Indian Territory, together with his wife, Lizzie Nail, were listed for enrollment by this Commission as citizens of the Choctaw Nation October 21st, 1898, James P. Nail as a citizen by blood and his wife, Lizzie Nail, as a citizen by intermarriage, they having been admitted to such citizenship by judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester August 26th, 1897, in Court case No. 84.

Yours truly,

Acting Chairman.

Choctaw 5308  
Choctaw 5309

Muskogee, Indian Territory, September 27, 1902.

Stanton Nail,

Care Dallas News,

Dallas, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You state therein that your grandfather and three uncles, A. H. Nail, and wife, Aaron Nail, John Nail and Jim Nail and wife and family, were granted citizenship in the Choctaw or Chickasaw Nation by the United States Court, and you ask what steps you should take in order to secure your citizenship.

In reply to your letter you are informed that it appears from our records that Abraham H. Nail and his wife, Matilda J. Nail, and their children John Nail and Aaron L. Nail, and James P. Nail and his wife, Lizzie Nail, were, October 21, 1898, listed for enrollment as citizens of the Choctaw Nation, pursuant to a judgment of the United States Court for the Central District of the Indian Territory, rendered August 26, 1897, in court case, citizenship docket, Number 84. It also appears that the applications of William and Letha Nail

for citizenship in the Choctaw Nation were refused in the said judgment of the Court rendered August 20, 1897, because of nonresidence in Indian Territory. It does not appear that the name of Stanton Nail was included in the application made in this case, nor that he was admitted by the judgment rendered in this case as referred to above.

The act of Congress of June 10, 1896, empowered the Commission to receive and determine original applications for citizenship in the Choctaw Nation for a period of ninety days from the date of the passage of that act, and since the expiration of the said ninety days from June 10, 1896, no authority has been vested with the Commission or any other body to receive or consider original applications for citizenship in the Choctaw Nation.

The act of Congress of May 31, 1900, provided as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

You will therefore understand from this legislation that if you have not been duly enrolled by the tribal authorities of the Choctaw Nation or admitted to citizenship in that Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, that this Commission is without authority to receive, consider, or make any record of such application further than to determine whether or not it has jurisdiction.

The agreement recently entered into between the United States and the Choctaws and Chickasaws, as ratified by an act of Congress approved July 1, 1902, provides as follows:

During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as 'delinquents', and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whatsoever for enrollment shall be received after the expiration of the said ninety days."

This agreement was voted upon by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902. We have not yet been advised of the result of said election, but, if adopted, the agreement became effective on the date of its final ratification.

Respectfully,

Acting Chairman.

Choctaw 5308  
Choctaw 5309

Muskogee, Indian Territory, January 16, 1903.

John Nail,

Ninnekah, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1902, asking if the names of Abraham H., Matilda J., John, James P., Aaron L. and Lizzie Nail appear upon the final rolls of the Choctaw Nation. You give the history of the case, and state that these parties were admitted to citizenship in the Choctaw Nation by the United States Indian Agent, Union Agency, on appeal from the decision of the Choctaw Council, in the year 1888 or 1889, but that the Choctaw tribal authorities refused to enroll them under said decision of the Indian Agent; that in 1896 they made application to this Commission and were rejected, and, on appeal to the United States Court they were admitted to citizenship in the Choctaw Nation. You ask if the Commission can now enroll these persons under the decision of the Indian Agent, or if the claims of these persons must be adjusted by the citizenship court created under a recent act of Congress.

In reply to your letter you are advised that it appears from our records that Abraham H. Nail, Matilda J. Nail, John, Aaron L., James P. and Lizzie Nail were admitted to citizenship in the

J N 2

Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, rendered August 26, 1897, in court case, citizenship docket, Number 84. On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court", created under the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship or to enrollment as citizens of the Choctaw and Chickasaw Nations.

The act of Congress of July 1, 1902, above referred to, provides as follows:

"That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

It may be added that lands upon which the so-called court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen until their rights are finally determined.

Respectfully,

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of May 13, 1905 (I. T. D. 4329-1905), enclosing a letter from A. H. Nail, of Minnehkah, Indian Territory, under date of May 2, 1905, referred to the Commission for early report, showing such information as the records of the Citizenship Court afford concerning the recognition of Mr. Nail and his family as citizens of the Choctaw Nation prior to the approval of the Act of Congress of June 10, 1896 (29 Stats., 321).

Mr. Nail alleges that about the year 1875 or 1876 he made application for the admission of himself and family as citizens of the Choctaw Nation; that after the submission of his application, business required his presence in the state of Texas, and that during his absence in that state the application was acted upon and he and his family were admitted to citizenship in the Choctaw Nation; that about the year 1888, his application was again acted upon by the Choctaw National Council, and he and his family were rejected by the Choctaw tribal authorities; but that on appeal to the United

States Indian Agent, union Agency, Muskogee, Indian Territory, he, his wife, Matilda J. Nail, and his children, John Nail, William Nail, James P. Nail and Aaron L. Nail, were admitted to citizenship in the Choctaw Nation. He further alleges that by virtue of this admission by the United States Indian Agent, in April, 1891, he and the members of his family were allowed to vote in the national elections of the Choctaw Nation, were permitted to hold land and pasture cattle, and did enjoy all the privileges of Choctaw citizens; that when the Commission to the Five Civilized Tribes were receiving applications in 1896, he applied for the admission of himself and family and was denied, and on appeal to the United States Court at South McAlester, they were admitted in 1897; that he, with his family, continued to reside in the Chickasaw Nation until the Choctaw and Chickasaw Citizenship Court was created, when they were again forced to a trial of their citizenship, with the result that they were rejected.

Reporting in this matter, I have the honor to advise that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), there was filed with the Commission to the Five Civilized Tribes, on September 9, 1898, the petition of Abraham H. Nail, et al, for citizenship in the Choctaw Nation, the parties petitioner being:

Abraham H. Nail,  
Matilda J. Nail,  
John Nail,

William Nail,  
James P. Nail,  
Aaron L. Nail,  
Lissie Nail,  
Letha Nail,  
Benjamin M. Nail,  
William R. Nail,  
James B. Nail.

The answer of the Choctaw Nation was duly filed, and on December 1st, 1896, a decision was rendered by the Commission, denying the application of the petitioners. From this decision of the Commission, the applicants appealed to the United States Court for the Central District of the Indian Territory, and said Court, on August 26, 1897, in the case of "A. H. Nail, et al, versus the Choctaw Nation", rendered a judgment admitting to citizenship in the Choctaw Nation, Abraham H. Nail, John Nail, James P. Nail and Aaron L. Nail, as citizens by blood, and Lissie Nail and Matilda J. Nail as citizens by intermarriage of the Choctaw Nation. The Court, by its judgment of August 26, 1897, denied the admission to citizenship of William Nail and Letha Nail, finding that they were non-residents of the Choctaw-Chickasaw country and were actually residents and citizens of the state of Texas. As to the three other parties applicant in the original petition to the Commission to the Five Civilized Tribes, Benjamin M. Nail, William R. Nail and James B. Nail, there is no mention made in the judgment of the United States Court for the Central District of the Indian Territory.

This judgment of the United States Court for the Central District of the Indian Territory remained in full force and effect until December 17th, 1902, when it was vacated, set aside, and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court in the case of "Choctaw and Chickasaw Nations or Tribes versus J. T. Riddle, et al".

The case of Abraham H. Nail, et al, was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and after trial a decree was entered by said Court, as follows:

"It is ordered, adjudged and decreed that the petition of the plaintiffs, Abraham H. Nail, Matilda J. Nail, John Nail, James P. Nail, Aaron L. Nail, and Lizzie Nail, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

A copy of the decree of the Citizenship Court of April 18, 1904, and the opinion of Judge Henry S. Poote therein, has heretofore been furnished the Department.

The record in the case of Abraham H. Nail, et al, versus the Choctaw and Chickasaw Nations, Tishomingo Case No. 74 of the Choctaw and Chickasaw Citizenship Court, which is now in the custody of the Commission, contains an opinion rendered by Leo E. Bennett, United States Indian Agent, Union Agency, Muskogee, Indian Territory, October 30, 1891, in the matter of the citizenship of A. H. Nail, et al, in the Choctaw Nation, in which he finds

"that Abraham H. Nail and his descendants are Choctaw Indians by blood, and that the claimant and his wife, Matilda J. Nail, and his family, John Nail, William Nail, James P. Nail, and Aaron L. Nail, should be admitted to participate in all the rights, privileges and immunities of Choctaw citizenship."

This opinion of the United States Indian Agent, together with all the testimony filed with him, was, on November 7, 1891, transmitted to the Commissioner of Indian Affairs. There is nothing in the records of the Citizenship Court indicating what action, if any, was taken by the Secretary of the Interior upon the opinion and recommendation of the United States Indian Agent.

It appears from the records of the Commission that the only members of this family who have ever made application for enrollment as citizens of the Choctaw Nation under the Act of June 28, 1898 (30 Stats., 495), are Abraham H. Nail, his wife, Matilda J. Nail, and his three children, John Nail, Aaron L. Nail and James P. Nail, and Lizzie Nail, the wife of James P. Nail.

An examination has been made of the 1890 Choctaw Census Roll, the 1893 Leased District Payment Roll, and the 1896 Census Roll, and the names of none of these applicants appear upon said rolls, nor is there anything in the record in the case before the Citizenship Court indicating that they were ever admitted to citizenship by the Choctaw National Council, or any duly constituted court or committee of the Choctaw Nation.

-6-

The letter of A. H. Nail, of May 2, 1905, is returned  
herewith.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

James P. Nail / 354  
Lizzie

choe

So Mc 84, Aug 26, 97

Lizzie admitted by intermarriage

Married in — under —  
law in —

(Get this information from  
James P. Nail)



7-5308  
7-5309  
C- 131.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 18, 1907.

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In the matter of the application for the enrollment of  
Abraham H. Nail, et al., as citizens of the Choctaw Nation.

APPEARANCES: W. R. Bleakmore, of the firm of Cruce, Cruce and  
Bleakmore, attorneys at law, Ardmore, Indian  
Territory, appears on behalf of the applicants.  
No appearance on behalf of the Choctaw and Chicka-  
saw Nations.

-----ooOoo-----

JOHN NAIL, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A John Nail.  
Q How old are you? A Forty-eight.  
Q What is your post office? A Purcell, Indian Territory.  
Q Are you the son of Abraham H. Nail? A I am.  
Q On June 25, 1906, there was filed with this office a petition  
praying for the enrollment of Abraham H. Nail, John Nail,  
James P. Nail, Aaron L. Nail, Matilda J. Nail and Lizzie Nail  
as citizens of the Choctaw Nation. Are you the John Nail men-  
tioned in that petition? A Yes sir, I am.  
Q What is the name of your mother? A Matilda J. Nail.  
Q Where were you born? A In Bledsoe County, Tennessee.  
Q Did you remove here to the Indian Territory with your parents?  
A Yes sir.  
Q When did you come? A We came in 1884.  
Q Did all the petitioners in this case come at the same time?  
A Yes sir.  
Q And where did you locate? A Near Durant in the Choctaw  
Nation.  
Q You are living now at Chickasha? A No sir, Purcell.  
Q How long have you lived at Purcell? A I have been there a  
little over four months.  
Q Where did you live before you lived at Purcell?  
A I lived at Minnehkah.  
Q How long did you live in Minnehkah? A Twelve years.  
Q Continuously? A Yes sir.  
Q Did any of the other persons who are mentioned in this petition  
live at Minnehkah during that time? A Yes sir.  
Q Which one? A A. H. Nail, Matilda J. Nail and Aaron L. Nail.  
Q Did they live there during that twelve years? A Yes sir.

7-5308

7-5309

C- 131.

-2-

- Q Where do James P. Nail and Lizzie Nail live?  
A They live in Chickasha.  
Q How long have they lived there?  
A About two month more than thirteen years.  
Q Continuously? A Yes sir.  
Q Your mother claims right as an intermarried citizen does she not?  
A Yes sir.  
Q When were your mother and father married? A I don't remember the date, but as well as I remember, I have heard them say it was 1844.  
Q Where were they married? A In Tennessee.  
Q Did they ever remarry after they came to the Indian Territory?  
A No sir.  
Q Where were James P. Nail and Lizzie Nail married? A In Tyler County, Texas.  
Q Were they living in Texas? A No sir, they were living in the Indian Territory. They went down to Tyler County and married there.  
Q What year were they married? A I believe it was 1885, about the latter part of the year, probably close to Christmas.  
Q You and the other members of your family claim your right as citizens of the Choctaw Nation by reason of having been admitted by the United States Indian Agent? A Yes sir.  
Q Is that the only ground upon which you base your right to enrollment? A By blood; we are Choctaws by blood.  
Q Do you claim to have any recognition other than the admission by the Indian Agent? A We were recognized by the District Court at South McAlester.  
Q Your petition alleges that the reason that you are entitled to be enrolled as citizens of the Choctaw Nation is by reason of the fact that you were admitted by the United States Indian Agent. Neither you or any member of your family were enrolled upon the 1885 Choctaw Census Roll, were you?  
A Not that I know of.  
Q Did you draw the 1893 Choctaw Leased District money?  
A No sir.  
Q Were you enrolled in 1896 upon the 1896 Choctaw Census Roll?  
A If we were I don't know it.

None of the applicants herein are identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

- Q Did you ever apply to the Choctaw Council or any legally constituted authority of the Choctaw Nation for admission to citizenship in the Choctaw Nation? A Yes sir.  
Q State when and to whom you applied? A Well, we applied in 1888 to the Choctaw Council; at least the case was passed upon then; I don't know when it was filed.  
Q Did you file the petition with the Choctaw Council?  
A Yes sir.  
Q Did you take testimony? A Yes sir.  
Q Did you introduce any witnesses? A Yes sir.  
Q What action was taken by the Council upon your petition?  
A We were rejected.  
Q What steps did you take then? A We applied then to the United States Indian Agent, Union Agency.

- Q What action was taken by the United States Indian Agent?  
A We were admitted to citizenship.
- Q Well, were all of the persons included in the petition filed with this office on June 25, 1906, included in the petition that you filed with the Choctaw Council in 1888?  
A No sir, I think not.
- Q Was Abraham Nail in that petition? A Yes sir.
- Q Was Matilda J.? A Yes sir, to the best of my recollection she was.
- Q Was yourself? A Yes sir.
- Q Aaron L.? A Yes sir.
- Q James P.? A Yes sir.
- Q Lizzie? A She was not, I don't think; I don't think her name was mentioned in that petition.
- Q She was married after that time, was she not? A She was married in 1885.
- Q What action was taken by the Indian Agent on your case after the appeal to him? A We were admitted on appeal, admitted to citizenship.
- Q Was the report of the Indian Agent ever submitted to the Commissioner of Indian Affairs or the Secretary of the Interior for approval? A I understand that the papers were sent to the Commissioner of Indian Affairs, but no action ever taken in the matter by him.
- Q No action was taken? A No sir, I never heard of any.
- Q By whom were you notified of the action of the Indian Agent?  
A By the Indian Agent himself, Leo E. Bennett.
- Q What time in 1888 was the petition filed by your father with the Choctaw Council? A I don't remember the date; in fact, I don't know that the petition was filed in that year, but it was passed upon in that year.
- Q Under what act of the Choctaw Council was the petition filed?  
A Well, sir, I don't know.
- Q William is dead, isn't he? A William Nail, my brother?
- Q Yes? A No sir, he lives in Texas.
- Q Through which one of your parents do you get your Choctaw blood, if any? A My father.
- Q How much did he claim to have? A One quarter.
- Q Quarter? A That is what I have heard him say.
- Q You claim an eighth? A Well, I suppose I would be an eighth; I have heard him say he was a quarter.
- Q How old is your father? A I think he is eighty-seven or eighty-eight.
- Q You know the name of his father and mother? A I know the name of his father.
- Q What is his father's name? A William.
- Q William Nail? A Yes sir.
- Q What place in Tennessee did your father reside before he came to the Indian Territory? A He resided---his post office was Robinson Cross Roads, Bledsoe County, Tennessee, and then it was afterwards changed to Sequatchie County.
- Q Do you know how long he had resided there before his removal to the Indian Territory? A No sir, I don't know; he was there at my earliest recollection.
- Q Was he born and raised in Tennessee? A Yes sir.
- Q At what place was he born? A Well, it was in Sequatchie Valley, about twenty-five miles up the valley from where we lived. I think his post office was Tollett's Mills as I understood it.

- Q Is it a matter of family history where his father lived during his life time? A Well, he lived at Tollett's Mills the first recollection I have. As a matter of family history he came from Mississippi to Tollett's Mills and he resided there.
- Q Your mother is a white woman, isn't she? A Yes sir.

BY MR. BLEAKMORE:

- Q State whether or not it is a matter of history in the family that your grandfather, William Nail, is a minister of the gospel in Tennessee? A It is a matter of family history that he was a minister of the gospel.
- Q State whether or not you have heard whether he preached to Indians who lived in that community, or who were visiting there, and whether or not he preached in English or in the language of the Choctaws?
- A Yes, I have heard that he preached to Indians who lived in the State of Tennessee and who were visiting there, and that he preached both in the English and the Choctaw Languages.
- Q State whether or not it is a matter of family history that he always claimed to be a member of the Choctaw tribe of Indians?
- A It is a matter of family history that he claimed to be a member of the tribe.
- Q And that he was a one-half blood Choctaw? A Well, I have heard it different; I have heard he was a half blood, and I have heard he was a full blood.
- Q State whether or not you know as a matter of family history that he had relatives among the Indians residing in the State of Mississippi? A I have; I have heard that he had relatives residing in the State of Mississippi who were Indians by blood, Choctaws.
- Q Did they ever visit him as you know of, as a matter of history in the family? A As a matter of history, I have heard that they did.
- Q Abraham H. Nail is your father, is he? A Yes sir.
- Q James P. Nail is your brother? A Yes sir.
- A Aaron L. Nail is your brother? A Yes sir.
- Q Matilda J. Nail is your mother? A Yes sir.
- Q And Lizzie Nail is the wife of whom? A Of J. P. Nail.
- Q All of these people, except Lizzie Nail, were admitted by the judgment or decision of the United States Indian Agent, were they?
- A Yes sir, they were.
- Q And all of them applied for admission to the Council of the Choctaw Nation, did they? A All except Lizzie Nail, yes sir.
- Q All except Lizzie Nail? A I don't think her name was on the application.
- Q You may state whether or not you have held land either in the Choctaw or Chickasaw Nation, occupied lands and rented them out, as a citizen of the Choctaw Nation? A We did; we occupied lands in the Choctaw Nation for, I suppose, three or four years; I don't remember the exact length of time; occupied them and cultivated them ourselves and rented some of them.
- Q State whether or not the authorities of these nations issued to you or the tenants on your lands any permits under the Indian law?
- A They did issue us permits in the Choctaw Nation.
- Q State whether or not you voted in the elections held in the Choctaw Nation? A Myself and Aaron L. Nail voted in the National elections in the Choctaw Nation in 1891, I think it was.

7-5308  
7-5309  
C- 131.

-5-

- Q At what point did you vote? A At Durant.  
Q Was it a county election or a general election? A General election.  
Q Election of the Governor? A Governor and some of the other national officers.  
Q You may state how long you have lived in the Choctaw and Chickasaw Nations, Mr. Nail? A About twenty-two years.  
Q You have resided in these nations all that time continuously have you? A Well, I was in Texas a few months for my health.  
Q But this has been your home during all that time?  
A Yes sir, this has been my home.

The applicants refer to an Act of the Choctaw Council approved October 21, 1882, known as Bill No. 8, which provides for applications by those persons claiming rights as citizens of the Choctaw Nation, and providing an appeal to the United States Indian Agent if their applications had been refused by the authorities of the Choctaw Nation, a copy of which, duly certified, is a part of the records of the Commissioner to the Five Civilized Tribes, and request that a copy of the same be made a part of the record in this case.

Applicants refer to and exhibit a portion of the record of the Citizenship Court in the custody of the Commissioner to the Five Civilized Tribes in cause No. 74, McAlester, entitled "Abraham H. Nail, et al., vs. Choctaw and Chickasaw Nations", which contains the original opinion of Leo E. Bennett, United States Indian Agent, in the case of A. H. Nail vs. the Choctaw Nation, and dated October 30th, 1891, and which contains also certain papers which purport to be the application of Abraham H. Nail to the Council of the Choctaw Nation, and certain affidavits and testimony presented before the authorities of the Choctaw Nation and the United States Indian Agent on appeal, and which show the answer of the Choctaw Nation on the appearance of said nation before the United States Indian Agent on said appeal by its attorney, all of which is contained in the first thirty-four sheets of the record of the Choctaw and Chickasaw Citizenship Court above referred to, and ask and request that the same be copied and made a part of the record in this case, and considered as a part of the evidence on behalf of the applicants.

BY THE COMMISSIONER:

- Q Are all these people mentioned in this petition filed with this office living? A Yes sir.

(Witness excused.)

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Ianora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above cause on the 18th day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.  
Subscribed and sworn to before me this 21st day of January, 1907.

*E. P. Rasmussen*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

))))))

In the matter of the application for the enrollment of  
Abraham H. Nail, et al., as citizens of the Choctaw Nation.

D E C I S I O N

It appears from the record herein that on October 21, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Abraham H. Nail, John Nail and Aaron L. Nail as citizens by blood of the Choctaw Nation, and for the enrollment of Matilda J. Nail, wife of Abraham H. Nail, as a citizen by intermarriage of said nation; and that on the same date application was made for the enrollment of James P. Nail as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Lizzie Nail, as a citizen by intermarriage of said nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Abraham Nail, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case NO/ 57), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (2<sup>o</sup> Stats., 321), for the admission to citizenship in the Choctaw Nation of the applicants, Abraham H. Nail, Matilda J. Nail, John Nail, Aaron L. Nail, James P. Nail and Lizzie Nail; and that on December 1, 1896, said Commission rendered its decision therein, admitting said applicants as citizens of the Choctaw Nation.

From this decision an appeal was taken to the United States Court for the Central District of the Indian Territory (Central District Citizenship Court Case No. 84), and on August 26, 1897, said court admitted Abraham H. Nail, John Nail, James P. Nail and Aaron L. Nail as citizens by blood of the Choctaw Nation, and Lizzie Nail and Matilda J. Nail as citizens by intermarriage of said nation.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Thereafter, said cause was certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on April 18, 1904, in the case entitled "Abraham H. Nail, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case NO. 74, McAlester Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Abraham H. Nail, Matilda J. Nail, John Nail, James P. Nail, Aaron L. Nail and Lizzie Nail, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on June 25, 1906, a petition praying for the enrollment of the applicants herein as citizens of the Choctaw Nation, said petition alleging that the applicants had prior to 1896 been admitted to citizenship in the Choctaw Nation by a decision of the United States Indian Agent.

The record in this case shows that on October 30, 1891, Leo E. Bennett, United States Indian Agent, Union Agency, Muskogee, Indian Territory, on appeal from the adverse decision of the Choctaw National Council, under the provisions of an Act of said Council approved October 21, 1882, admitted the applicants, Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood of the Choctaw Nation and Matilda J. Nail as a citizen by intermarriage of said nation.

The applicant, Lizzie Nail, was on December 25, 1885, under the laws of the State of Texas, lawfully married to James P. Nail, both of said persons being on the date of said marriage residents in good faith of the Choctaw-Chickasaw country.

All of the applicants herein were residents in good faith of the Indian Territory on June 28, 1898.

None of the applicants herein are identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that in accordance with the opinion of the Attorney General for the United States dated February 19, 1907, in the matter of certain citizenship cases referred to him for consideration by the Secretary of the Interior, the application for the enrollment of Abraham H. Nail, John Nail, Aaron L. Nail and James P. Nail as citizens by blood of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Matilda J. Nail and Lizzie Nail as citizens by intermarriage of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.

Tams Bixby,  
Commissioner.

Muskogee, Indian Territory,  
Feb. 27, 1907.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment as  
a Choctaw freedman.....OF.....

LOUVENIA LUCKLY....17-1196.

Chickasaw Freedmen Card 998.

IN RE application of Ginsey Luckly and others.

(See testimony of Simon Lewis, Chickasaw Freedmen Card 992).

Ginsey Luckly  
Henry Laman  
Sissy Luckly

enrolled.

Chickasaw Freedmen Card 992.

IN RE application of Simon W. Lewis and Others.

Sworn by Commissioner McKennon.

Simon Lewis says:

I am 33. My mother Jennie belonged to Cannon Brown. My wife Easter is Choctaw.

I have a brother Isaac Lewis, 30.

I have a cousin Sallie Lewis, 24, daughter of Lucy Ann Moore.

I have a cousin Calvin, 33, son of Patience who belonged to Syson Fulsom. His wife is a U.S. citizen. They are separated. He was married to her. He has 2 children: Owens, 7; Bertha, 5.

His sister Susan Lewis, 23, has 2 children: Jesse Campbell, 8 and Henry Sexton, 3.

He has 2 brothers: Joshua Lewis, 17; Benjiman Lewis, 15; and a sister: Ida Lewis, 9.

His sister Minerva Lewis, 20 has a child: Charley Harris, 3.

Elsie Curry, 63, belonged to Syson Fulsom. She has children: Charley Moore, 26; and Lizzie Moore, 18.

Elsie has a granddaughter: Ginsey Luckly, 22, daughter of Lucy Ann who was daughter of Elsie. She has 2 children: Henry Laman, 8 and Sissy Luckly, 6.

Colbert, Oct. 11, '98.

Simon W. Lewis

Sallie Lewis

enrolled.

Richard Brashears says: I know Sallie Lewis. Her mother Lucy Ann belonged to Syson McGee.

Colbert, Oct. 11, '98.

IN RE  
THE DEATH OF

*Lissa Lenokey*

a citizen of the

*Choctaw* Nation.

Approved ..... 190.....

.....  
Commissioner

17-112

Lemon Colbert a Creek Indian Roll # 8738

32

# DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sisie Luckey  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Kinta Ind. Ter., and died on the 25 day of  
Aug 1904  
(Here insert name of post office.)

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Wilren District.  
I, Lemon Colbert, on oath state that I am 21  
years of age and a citizen, by Blood of the Choctaw Nation;  
that my post office address is Kinta Ind. Ter.; that I am  
(Here insert name of post office.)  
Step Father of Sisie Luckey  
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Blood of the Choctaw Nation;  
and that said Sisie Luckey died on the 25 day of  
(Here insert name of deceased.)

August 1904 Lemon Colbert  
WITNESSES TO MARK: Joseph Moore  
(Must be Two Witnesses) at Hill Mark  
Subscribed and sworn to before me this 21 day of Oct 1904

Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

W. Henry District.  
I, Joseph Moore, on oath state that I am 45  
years of age, and a citizen, by Blood of the Choctaw Nation;  
that my post office address is Simonton Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with Sisie Luckey  
(Here insert name of deceased.)  
who was a citizen by Blood of the Choctaw Nation;  
and that said Sisie Luckey died on the 25 day of  
(Here insert name of deceased.)

August 1904 Joseph Moore  
WITNESSES TO MARK: at Hill Mark  
(Must be Two Witnesses) R. Allen  
Subscribed and sworn to before me this 21 day of Oct 1904

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
South McAlester, Indian Territory, December 22, 1902.

Chickasaw  
Freedmen  
998.

In the matter of the application for the enrollment of Sissy Luckly as a freedman of the Chickasaw Nation.

Sallie Bradley, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sallie Bradley.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Hartshorne, Indian Territory  
Q Are you a sister of Ginsy Luckly? A Yes sir. 17-998  
Q Is she enrolled as a Chickasaw freedman? A Yes sir.  
Q How many children has she? A Two.  
Q What are their names? A Henry Loman, and Sissy Luckly.  
Q How old is Sissy? A I don't know how old.  
Q How old do you think she is? A About ten.  
Q Who was the father of Sissy? A Joseph Luckly.  
Q Is he a Chickasaw freedman? A I think he was a Choctaw or Chickasaw one, but he was an Indian.  
Q Do you know whether this child was ever called Louvenia? A Yes sir, that is her given name but Sissy is just a pet name.

(The name of Louvenia Lockly appears on page 191, No. 7678, of the Choctaw census roll of 1896.)

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Harry C Risteen*

Subscribed and sworn to before me this 22 day of January 1903.

*Charles H. Sawyer*

Notary Public.

17-1196  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of  
Louvenia Luckly as a Chickasaw freedman.

D E C I S I O N .

It appears from the record herein that on October 11, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment, among others, of Sissy Luckly, as a Chickasaw freedman.

It further appears from the record herein that said applicant was born in about the year 1892, and is the illegitimate daughter of Ginsey Luckly whose name appears opposite No. 2896 upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior April 10, 1903, and Joseph Luckly (now deceased), a Choctaw by blood who is identified upon the 1893 Choctaw Leased District Payment Roll, Sans Bois County, opposite No. 579, and that said applicant was living on September 25, 1902.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicant is identified upon the 1896 Choctaw Census Roll opposite No. 7678, enrolled thereon as a citizen by blood of said nation.

The record herein further shows that the correct name of the applicant is Louvenia Luckly.

I am, therefore, of the opinion that Louvenia Luckly, should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Muskogee, Indian Territory,  
FEB 25 1907



Commissioner.



17-1196

COPY

Muskogee, Indian Territory, March 2, 1907.

Ginsy Luckly,

Sutter, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Louvenia Luckly as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Louvenia Luckly has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED

*Tame Bixby*

Commissioner.

Registered.  
Incl. 17-1196

17-1196

COPY

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Louvenia Luckly as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Louvenia Luckly has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Incl. 17-1196

7-6080

Muskogee, Indian Territory, March 7, 1907.

Ginsey Luckly,

Quinton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 23, 1907, asking if Louvinie Luckly is approved so that you can come and file for her.

In reply to your letter you are advised that the name of Louvenia Luckly has been placed upon a schedule of citizens of the Choctaw Nation which has been forwarded to the Secretary of the Interior and when her enrollment is approved by the Department you will be notified.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-6080

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 29, 1907.

Ginsey Luckly,

Sutter, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the interior approved the enrollment of your child, Louvenia Luckly, as a citizen by blood of the Choctaw Nation and her name appears upon the final roll of such citizens at No. 16227.

She is now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,



Acting Commissioner.

# **CORRECTION**

**THESE DOCUMENTS  
HAVE BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

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Louvenia Luckily

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DEPARTMENT OF THE INTERIOR,  
CONTINGENT TO THE FINE CIVILIZED CRIMES.

In the matter of the application for the enrollment as  
a Choctaw Freeman.....Of.....

LOUVELLA LUCKIE....17-1196.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment as  
a Choctaw freedman.....OF.....

LOUVENIA LUCKLY.....17-1196.

Chickasaw Freedmen Card 998.

IN RE application of Ginsey Luckly and others.

(See testimony of Simon Lewis, Chickasaw Freedmen Card 992).

Ginsey Luckly  
Henry Laman  
Sissy Luckly

enrolled.

Chickasaw Freedmen Card 992.

IN RE application of Simon W. Lewis and Others.

Sworn by Commissioner McKennon.

Simon Lewis says:

I am 33. My mother Jennie belonged to Cannon Brown. My wife Easter is Choctaw.  
I have a brother Isaac Lewis, 30.  
I have a cousin Sallie Lewis, 24, daughter of Lucy Ann Moore.  
I have a cousin Calvin, 33, son of Patience who belonged to Syson Fulson. His wife is a U.S. citizen. They are separated. He was married to her. He has 2 children: Owens, 7; Bertha, 5.  
His sister Susan Lewis, 23, has 2 children: Jesse Campbell, 8 and Henry Sexton, 3.  
He has 2 brothers: Joshua Lewis, 17; Benjiman Lewis, 15; and a sister: Ida Lewis, 9.  
His sister Minerva Lewis, 20 has a child: Charley Harris, 3.  
Elsie Curry, 63, belonged to Syson Fulson. She has children: Charley Moore, 26; and Lizzie Moore, 18.  
Elsie has a granddaughter: Ginsey Luckly, 22, daughter of Lucy Ann who was daughter of Elsie. She has 2 children: Henry Laman, 8 and Sissy Luckly, 6.

Colbert, Oct. 11, '98.

Simon W. Lewis  
Sallie Lewis  
enrolled.

Richard Brashears says: I know Sallie Lewis. Her mother Lucy Ann belonged to Syson McGee.

Colbert, Oct. 11, '98.

IN RE  
THE DEATH OF

*Arise Lukey*  
a citizen of the

*Choctaw* Nation.

Approved 190

Commissioner

17-1196

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Lemon Colbert on Creek Indian Roll # 8738.

32

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sisie Luckey  
(Here insert name of deceased)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Kinta St. Ind. Ter., and died on the 25 day of  
August 1904  
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Wetren District.  
I, Lemon Colbert, on oath state that I am 21  
years of age and a citizen, by Blood of the Choctaw Nation;  
that my post office address is Kinta Ind. Ter.; that I am  
(Here insert name of post office)  
Step Father of Sisie Luckey  
(State relationship as the father, an uncle, a cousin, etc.)  
(Here insert name of deceased)  
who was a citizen, by Blood of the Choctaw Nation;  
and that said Sisie Luckey died on the 25 day of  
(Here insert name of deceased)

August 1904 Lemon Colbert

WITNESSES TO MARK

(Must be Two  
Witnesses)

Joseph Moore  
A J Hill  
Subscribed and sworn to before me this 21 day of Oct 1904  
L. D. Allen  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Wetren District.  
I, Joseph Moore, on oath state that I am 40  
years of age, and a citizen, by Blood of the Choctaw Nation;  
that my post office address is Simion Ind. Ter.;  
(Here insert name of post office)  
that I was personally acquainted with Sisie Luckey  
(Here insert name of deceased)  
who was a citizen by Blood of the Choctaw Nation;  
and that said Sisie Luckey died on the 25 day of  
(Here insert name of deceased)

August 1904

WITNESSES TO MARK

(Must be Two  
Witnesses)

A J Hill  
R. A. Allen  
Subscribed and sworn to before me this 21 day of Oct 1904  
L. D. Allen  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
South McAlester, Indian Territory, December 22, 1902.

Chickasaw  
Freedmen  
998.

In the matter of the application for the enrollment of Sissy Luckly as a freedman of the Chickasaw Nation.

Sallie Bradley, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sallie Bradley.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Hartshorne, Indian Territory  
Q Are you a sister of Ginsy Luckly? A Yessir.  
Q Is she enrolled as a Chickasaw freedman? A Yes sir. 19-998  
Q How many children has she? A Two.  
Q What are their names? A Henry Loman, and Sissy Luckly.  
Q How old is Sissy? A I don't know how old.  
Q How old do you think she is? A About ten.  
Q Who was the father of Sissy? A Joseph Luckly.  
Q Is he a Chickasaw freedman? A I think he was a Choctaw or Chickasaw one, but he was an Indian.  
Q Do you know whether this child was ever called Louvenia? A Yes sir, that is her given name but Sissy is just a pet name.

(The name of Louvenia Lockly appears on page 191, No. 7678, of the Choctaw census roll of 1896.)

-----q0c-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Harry C Risteen*

Subscribed and sworn to before me this 22 day of January 1903.

*Charles H. Sawyer*

Notary Public.

11

17-1196  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Louvenia Luckly as a Chickasaw freedman.

D E C I S I O N .

It appears from the record herein that on October 11, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment, among others, of Sissy Luckly, as a Chickasaw freedman.

It further appears from the record herein that said applicant was born in about the year 1892, and is the illegitimate daughter of Ginsey Luckly whose name appears opposite No. 2896 upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior April 10, 1903, and Joseph Luckly (now deceased), a Choctaw by blood who is identified upon the 1893 Choctaw Leased District Payment Roll, Sans Bois County, opposite No. 579, and that said applicant was living on September 25, 1902.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicant is identified upon the 1896 Choctaw Census Roll opposite No. 7678, enrolled thereon as a citizen by blood of said nation.

The record herein further shows that the correct name of the applicant is Louvenia Luckly.

I am, therefore, of the opinion that Louvenia Luckly, should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,  
FEB 26 1907

---



17-1196

COPY

Muskogee, Indian Territory, March 2, 1907.

Ginsy Luckly,

Sutter, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Louvenia Luckly as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Louvenia Luckly has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Jame Dixby*

Commissioner.

Registered.  
Incl. 17-1196

17-1196

COPY

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Louvenia Luckily as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Louvenia Luckily has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Incl. 17-1196

7-6080

Muskogee, Indian Territory, March 7, 1907.

Ginsey Luckly,

Quinton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 23, 1907, asking if Louvinie Luckly is approved so that you can come and file for her.

In reply to your letter you are advised that the name of Louvenia Luckly has been placed upon a schedule of citizens of the Choctaw Nation which has been forwarded to the Secretary of the Interior and when her enrollment is approved by the Department you will be notified.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-6080

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 29, 1907.

Ginsey Luckly,

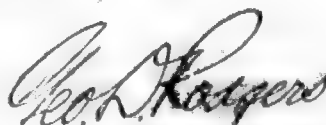
Sutter, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the interior approved the enrollment of your child, Louvenia Luckly, as a citizen by blood of the Choctaw Nation and her name appears upon the final roll of such citizens at No. 16227.

She is now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,



Acting Commissioner.

Choc 6081

Henry E. Burks

Action approved by Sec. of  
Interior Mar. 4, 1907.

Refused Oct. 2, 1906.

Copy of decision forwarded  
applicant Oct. 2, 1906.

6081

In the matter of the Enrollment of

HENRY E. BURKS as a Member of the CHOCTAW NATION.

On this the 1st day of June 1899, personally came before me, a Notary Public in and for the County of Hillsborough and State of Florida, Henry E. Burks, applicant for enrollment as a Member of the Choctaw Nation of Indians, and who being by me first duly sworn upon his oath, stated as follows in relation to his right to be so enrolled:-

1. That his present post-office address is Tampa, Florida.
2. That his age is thirty-eight ( 38 ) years.
3. That he does not claim Indian blood in any degree.
4. That his father's name is W. E. Burks, address Paula Valley, I. T.
5. That his father is living, and is a citizen by marriage.
6. That his mother's name was Mrs. Nancy Burks (nee Bailey).
7. That his mother is dead. That she was a citizen by marriage to her first husband, David Wall, a Choctaw.
8. That he was raised in the Choctaw Nation, and lived there continuously from his childhood until he was twenty-one years of age; with his father, who is a citizen of the Chickasaw Nation, and who still resides in the Chickasaw Nation; And that at no time has he left the Choctaw Nation with the intention of abandoning his right or home there, and at no time has he acquired a homestead elsewhere; That when he arrived at age he took up the vocation of a railroad man, and his employment in that capacity led him from the Territory in order to ~~make~~ <sup>earn</sup> his livelihood; That he has returned to the Territory frequently and is at the time intended to establish a home there as soon as his employment would permit him to do so; That he was admitted to citizenship by the Bureau Commission in December, 1898; That he is and has been

for the past year connected with the United States Army; That it is impracticable for him to appear before the Commission in person for enrollment.

9. That his present temporary residence is Tampa, Hillsborough County, Florida.

(Signed). Henry E. Burke

Sworn to and subscribed before me this 1st day of June 1899; and I hereby certify that the contents of the foregoing affidavit were fully made known and explained to affiant before swearing thereto. And I further certify that I have no interest, direct or indirect in the matter referred to in this affidavit

(Signed) N. D. Smith.  
Notary Public.

Seal.



COPY

Choctaw D-50.

Muskogee, Indian Territory, February 26, 1902.

Henry E. Burks,  
Room 807, Equitable Building,  
Baltimore, Maryland.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 2nd day of April, 1902.

On said date you may, if you desire, appear before the Commission, in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

T.B. Needles,

Commissioner in Charge

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

X-----X  
: In the matter of the application of :  
: Henry E. Burks for enrollment as a : ---D 50---  
: citizen of the Choctaw Nation. :  
X-----X

On February 26, 1902, the applicant, Henry E. Burks, was notified by registered mail that the application for the enrollment of himself as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant failed to appear either in person or by attorney, and no appearance was made by the attorneys for the Choctaw Nation.

-----  
Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 3rd day of April, 1902.

*Harry C. Risteen*  
*Clam Mitchellwood*  
Notary Public.

COPY

BEFORE THE HONORABLE COMMISSION TO THE FIVE  
CIVILIZED TRIBES, AT MUSCOGEE,  
INDIAN TERRITORY.

Henry E. Burks,

v

Choctaw Nation.

BRIEF ON FACTS AND LAW.

THE FACTS.

The record in this case shows that the applicant was recognized as a citizen of the Choctaw Nation upon his formal application for enrollment filed prior to September 10th, 1896.

When the writer as his counsel appeared before the Commission at Ardmore in September, 1898 to list the applicant's name for enrollment some one suggested that the applicant was not at that time a resident of the Choctaw Nation, and therefore his name was placed on a doubtful card. No testimony that I am aware of was ever taken on behalf of the Choctaw Nation. The applicant being in the service of the United States Army, was permitted to file his affidavit as evidence to his residence. The record in the case shows that the applicant was born and lived in the Choctaw Nation until he grew to manhood, that he adopted the occupation of telegraph operator for a livelihood and that in the line of his employment, he was at intervals located in the State of Texas but frequently returned to the Choctaw and Chickasaw Nations, which has always been his home. His father, Dr. J. S. Burks, now resides at Pauls Valley, Chickasaw Nation and is a well recognized member of the Choctaw tribe or Nation of Indians. The applicant at the outbreak of the Spanish War was enlisted into the service of the United States Army and has ever since remained in the same and at the time of the passage of the so-called Curtis Bill he was facing the enemy at

Santiago, Cuba, like a dozen other patriotic Choctaw boys. The applicants home was still in the Chickasaw Nation with his father and he was only temporarily absent and for a purpose worthy of the highest commendation.

#### T H E   L A W.

The provision of the Curtis Bill invoked to exclude the enrolment of the applicant is that part of section 21 reading as follows:

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the Nation in which he claims citizenship". In my opinion this language was only intended to operate on persons who had never had "removed to and in good faith settled in the nation in which he claimed citizenship" and not to one who was born here and lived here nearly all his life and was only absent at intervals and then because of the nature of his employment called him away. The reason for such act of Congress is found in the fact that under the Act of Congress of June 10th 1896 numerous persons who had never lived in the Chickasaw or Choctaw Nations filed applications for enrolment and by decrees of the courts were declared entitled to enrolment, and Congress evidently considered that such persons ought not to be enrolled even if they were full blooded Chickasaws or Choctaws. I seriously doubt the constitutionality of the language in question because the primary effect of it is to absolutely nullify the court decrees and gives the non-resident Chickasaws or Choctaws not even the right of a new trial. The legislature is not a judicial body and has no constitutional right in my judgment to exercise general judicial functions. I will not, however seriously consider this question for the facts of the case in hand do not come within the language or intent of the statute conceding it to be constitutional. The applicant had prior to the passage of the Act removed to and in good faith settled in the Choctaw nation. He was born there. He never had abandoned it as his home

It is still his home.

The applicant on the facts and law is clearly entitled to enrolment.

(Signed) O.W. Patchell  
Attorney for applicant.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Henry R. Burks as a citizen of the Choctaw Nation, Choctaw Field No.  
D-50.

We hereby request on behalf of the Choctaw and Chickasaw  
Nations, that final decision in this case be postponed until final  
decision by the Choctaw and Chickasaw Citizenship Court in the case  
of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37  
on the South McAlester Docket, in which the said court will decide  
the question of whether white persons, the widows or widowers of  
deceased Choctaw or Chickasaw spouses, can confer rights of citi-  
zenship upon white husbands or wives whom they may remarry and upon  
their white children by them, which question is involved in the case  
to which this communication refers.

This request is filed under authority granted by the  
Honorable Secretary of the Interior in his communication to the  
Commission to the Five Civilized Tribes upon the subject, dated  
November 18, 1903.

Mansfield, McMurray & Cornish  
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

(Endorsed on back as follows)

Choctaw D-50.

In the matter of the enrollment of Henry R. Burks as a  
citizen of the Choctaw Nation.

Protest of Choctaw and Chickasaw Attorneys

Department of the Interior, Commission to the Five  
Civilized Tribes, Filed Feb 6 1904.

Tans Bixby  
Chairman.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

TO THE HONORABLE,

THE SECRETARY OF THE INTERIOR:

Your petitioner, Henry R. Burks, respectfully represents that he is a citizen of the Choctaw Nation and was admitted as such by the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896 (29 Stats., 321).

Your petitioner further represents that the attorneys for the Choctaw and Chickasaw Nations, on February 6, 1904, filed a special protest against his enrollment with the Commission to the Five Civilized Tribes.

Your petitioner now asks that said special protest be over ruled and the Commission to the Five Civilized Tribes be directed to proceed with the consideration of his application.

Respectfully submitted,

Chilton Riley

Atty. for Petitioner.

Through the Commission to the Five Civilized Tribes.

(Endorsed on back as follows)

Petition of Henry R. Burks

Department of the Interior, Commission to the Five Civilized Tribes, Filed, Apr 14 1904.

Tams Bixby

Chairman.



7-D-50.  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
Henry E. Burks as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on September 24, 1898, an application was made to the Commission to the Five Civilized Tribes for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

It further appears from the records of said Commission that on September 8, 1896, in the case entitled "Henry E. Burks vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 633), application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission of the applicant herein to citizenship in the Choctaw Nation, claiming his right thereto as a citizen by blood, and that the said Henry E. Burks was on December 22, 1896, admitted by said Commission as a citizen by blood of the Choctaw Nation. From this decision no appeal was taken.

It appears from the record herein and from the census card record in this case that the applicant is the son of William S. Burks, a white man, whose name appears as No. 267 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation, and approved by the Secretary of the Interior May 9, 1904, and Nancy Burks (now deceased), a white woman, who is alleged to have been a citizen by intermarriage of the Choctaw Nation.

I am of the opinion that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of May 24, 1906 (I.T.D. 46-1906), in the case of Hayne Helms, the action of the Commission to the Five Civilized Tribes of December 2, 1896, admitting the applicant, Henry E. Burks, as a citizen by blood of the Choctaw Nation, was without authority of law and of no force and effect upon the status of said applicant as a citizen of the Choctaw Nation, and that his application for enrollment as a citizen of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

  
Commissioner.

Muskogee, Indian Territory,

OCT 2 1906

Office, Indian Territory,

August 12th, 1900.

Henry J. Jones,

Indian,

Dear Sir:

We have been notified by the Commissioner, Indian Territory, that your petition, dated August 1st, 1900, for the removal of your family to your home in the Indian Territory, has been received. It is now the duty of the Commissioner to refer your petition to the proper authorities for consideration.

The Commissioner, Indian Territory, has, on a session of the Indian Territory, at Fort Smith, Arkansas, on August 1st, 1900, referred your petition to the proper authorities for consideration. It is now the duty of the Commissioner to refer your petition to the proper authorities for consideration. It is now the duty of the Commissioner to refer your petition to the proper authorities for consideration.

Very truly,

Acting Chairman.

7-1-21.

Muscogee, Indian Territory,

August 18th, 1900.

Henry E. Burks,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys Messrs McKennon, Mansfield, McTurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900 hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, May 18, 1901.

Mr. H. E. Burkes,

Chicago, Ills.

Dear Sir:

The Commission is in receipt of your letter of the 15th inst., in which you request to be advised if the Commission has finally passed upon your application for enrollment as a citizen of the Choctaw Nation.

You are informed that final action has not been taken upon your application for enrollment as a citizen of the Choctaw Nation. It is the intention of the Commission, however, to take ~~action~~ of all doubtful claimants as soon as practicable and when a decision has been reached in your case by the Commission, a copy of said decision stating fully the reason for any action which the Commission may take therein will be mailed to your present post office address.

Yours truly,

7-D-216.

Acting Chairman.

*Rec'd this P.O. is entered on card*

Choctaw D 50

Muskogee, Indian Territory, April 19, 1902.

O. W. Patchell,

Attorneys at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing brief in the matter of the application of Henry B. Burke for enrollment as an intermarried citizen of the Choctaw Nation, and the same has been duly filed with the records of this office.

Yours truly,

Acting Chairman.

Chectaw D 50

Muskogee, Indian Territory, July 18, 1902.

H. E. Burks,

Baltimore, Maryland.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be informed if the Commission has rendered a decision in your case and if the same has been forwarded to the Department.

You are advised that the Commission has not up to this time rendered a decision in the matter of your application for enrollment as a citizen of the Chectaw, but when a decision is rendered you will be advised thereof and notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

Choctaw D 50.

Muskogee, Indian Territory, September 23, 1902.

H. E. Burks,

Room 807, Equitable Building,  
Baltimore, Maryland,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, advising of the change in your post office address after October 1, 1902, and the same has been made a matter of record with the Commission.

Respectfully,

Acting Chairman.



Chootaw D 50

Muskogee, Indian Territory, January 6, 1903.

H. F. Burks,

Headquarters Department of Texas, U.S.A.,

San Antonio, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, in which you ask, if, pending final decision your claim, you would be permitted to hold land equal to your allotment as you state that your father, W. S. Burks, wishes to turn over to you land equal to an allotment out of excessive land he is now hold and is compelled, under the present law, to relinquish.

In reply to your letter you are advised that if any citizens of the Chootaw and Chickasaw Nations are holding land in excess of that to which they are entitled for themselves and their families, they are liable to prosecution under sections nineteen, twenty and twenty one of the Act of Congress approved July 1, 1902, which was ratified by the Chootaw and Chickasaw Nations on September 25, 1902, a copy of which is herewith inclosed for your information.

You are further advised that the Commission cannot at this time render any opinion relative to the rights of individuals to hold particular tracts of the land of the Chootaw-Chickasaw country. Nat-

H.R.B. 2

ters of this character will receive its consideration upon the establishment of land offices in the Choctaw and Chickasaw nations for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Respectfully,

Acting Chairman.

7-D-80

Muskogee, Indian Territory, July 24, 1908.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 21, asking if a decision has been rendered in the matter of the application of Henry E. Burks for enrollment as a citizen of the Choctaw Nation, and, if not, when you may expect a decision.

In reply to your letter you are informed that it appears from our records that Henry E. Burks has been listed among the doubtful claimants to enrollment as a citizen of the Choctaw Nation, and his final right to such enrollment has not yet been determined. As soon as a decision is reached in this case he will be notified of the action of the Commission.

You are further informed that the Commission is taking up for consideration and determination the doubtful

O.W.P.-----2

Choctaw and Chickasaw enrollment cases as fast as possible,  
but it is impracticable at this time to say when a decision  
will be reached in this case.

Respectfully,

Commissioner in Charge.

Chickasaw 1597  
Chickasaw 414  
Chickasaw D376  
Choctaw 75;D 50

Muskogee, Indian Territory, December 28, 1903.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 21, asking the status of the enrollment of the following persons:

Sarah J. Paul, Pauls Valley  
Allen B. Dennis, Pauls Valley  
Mona Love, Antioch,  
Henry E. Burks, San Antonio, Texas.  
Abbie Williams, Pauls Valley

In reply to your letter you are advised that the Commission has not yet passed upon the applications of A. B. Dennis and Sarah J. Paul for enrollment as intermarried citizens of the Chickasaw Nation, and it is impracticable at this time to say when the same will be taken up for consideration. As soon as decisions are rendered, however, the applicants will be notified of the action taken therein.

It further appears from our records that the Commission has not yet passed upon the application of Henry E. Burks for enrollment in the Choctaw Nation; nor has any decision been rendered in the matter of the application of Abbie Williams for enrollment as an intermarried citizen of the Choctaw nation.

You are further advised that on May 2, 1905, the Commission

O W P 2

rendered its decision refusing the application of Nona Love for enrollment as an intermarried citizen of the Chickasaw Nation, and on the same date the record in the case was forwarded to the Secretary of the Interior. The Commission has not yet been notified of departmental action in this case.

Respectfully,

Chairman.

Choctaw D 50

Muskogee, Indian Territory, February 12, 1904.

Henry E. Burks,  
Care Headquarters,  
Department of Texas, U. S. A.,  
San Antonio, Texas.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.



Chickasaw 414  
Choctaw 75  
Choctaw D 50

Muskogee, Indian Territory, March 9, 1904.

O. W. Patchell,

Attorneys at Law,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 4, asking the nature of the protest filed by the attorneys for the Choctaw and Chickasaw Nations in the cases of Sarah J. Paul, intermarried citizen of the Chickasaw Nation, Henry E. Burks, who was admitted by the Commission as a Choctaw in 1896, and Abbie Williams, wife of Newt Williams, intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations filed a protest, dated January 23, 1904, in which they request that final decision in the case of Sarah J. Paul (be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw versus Choctaw and Chickasaw Nations, Number 3 on the Tishomingo Docket, in which said court will decide the question of the validity of that portion of the intermarriage law of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they state, is involved in this case.

O W P 2

On the same date there was also filed by the attorneys for the Choctaw Nation, their protest, dated January 23, 1904, in the case of Henry E. Burks, an applicant for enrollment in the Choctaw Nation, in which they request that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al. versus Choctaw and Chickasaw Nations, Number 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may marry and upon their white children by them, which question, they state, is involved in the case of Henry E. Burks.

The protest of the attorneys for the Choctaw and Chickasaw Nations, of January 23, 1904, which was filed with the Commission on February 6, 1904, in the matter of the application for enrollment of Abbie Williams as an intermarried citizen of the Choctaw Nations, requests that final decision therein be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al. versus Choctaw and Chickasaw Nations, Number 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question, they state, is involved in this case.

OWP 3

You are advised that under the instructions of the Secretary of the Interior, the Commission is prohibited from taking further action, in cases wherein protests are filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Department.

Respectfully,

Commissioner in charge.

7-D-50

Muskogee, Indian Territory, March 2, 1905.

O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1905, relative to the application for the enrollment of Henry E. Burkes as a citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the application of Henry E. Burkes for enrollment as a citizen of the Choctaw Nation and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-D-50.

Muskogee, Indian Territory, May 29, 1905.

H. E. Burks,

P.O.Box 244,

San Antonio, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, asking that a decision be rendered in your case by the close of the present fiscal year, and stating that if necessary you will appear before the Commission in person in regard thereto.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as a citizen of the Choctaw Nation, and as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-50

Muskogee, Indian Territory, February 10, 1906.

H. E. Burks,  
Box 244,  
San Antonio, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 3, 1906, asking the present status of your application for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that no further action has been taken in your case, but the same is receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7-D-50

Muskogee, Indian Territory, October 26, 1906.

H. E. Burks,  
Office of Chief Quarter Master,  
Department of Texas.  
San Antonio, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18, 1906, asking for a copy of the Departmental ruling in the Hayne Helms case to which reference is made in the decision in your case and in compliance with your request a copy of the same is herewith inclosed.

Respectfully,

EB 1-26.

Commissioner.



7-D-50.

copy

Muskogee, Indian Territory, October 2, 1906.

Henry E. Burks,

c/o Headquarters Department of Texas U.S.A.,

San Antonio, Texas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Tamc Doby*

Commissioner.

Registered.

Inclg- D-56.

7-D-50.

COPY

Muskogee, Indian Territory, October 2, 1906.

O. W. Patchell,

Attorney,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 7-D-50.

7-D-50.

Muskogee, Indian Territory, October 2, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

610  
*Tamc Dixby*

Commissioner.

Registered.

Incl. 7-D-50.

6007  
Muskogee, Indian Territory, October 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Henry E. Burke as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1906, denying said application.

Respectfully,

SIGNED *James D. Smith*

Commissioner.

2 Incl. 7-D-50.

Through the  
Commissioner of Indian Affairs.

D.C.17135.  
I.T.D. 7872-1907.  
L.R.S.  
DIRECT.

J.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

The Department is in receipt of your letter of February 25, 1907, recommending that your decision, submitted by you October 2, 1906, in the matter of the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation by blood, be reversed.

As the party was admitted to citizenship in the Choctaw Nation on December 22, 1896, by the Commission to the Five Civilized Tribes, and no appeal was taken from its decision, your recommendation is concurred in, and your decision is reversed. The party's application for enrollment is granted, and the schedule received with your letter of February 25th bearing his name is approved and will be disposed of in the usual manner.

Respectfully,

E. A. Hithcock,

Secretary.

3 inc. and 1 for Ind. Of.  
with copy hereof.

MoM--3-5-07.

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

D.C. 17135.  
I.T.D. 7872-1907.  
L.R.S.  
DIRECT.

J.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir;

The Department is in receipt of your letter of February 25, 1907, recommending that your decision, submitted by you October 2, 1906, in the matter of the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation by blood, be reversed.

As the party was admitted to citizenship in the Choctaw Nation on December 22, 1896, by the Commission to the Five Civilized Tribes, and no appeal was taken from its decision, your recommendation is concurred in, and your decision is reversed. The party's application for enrollment is granted, and the schedule received with your letter of February 25th bearing his name is approved and will be disposed of in the usual manner.

Respectfully,

E. A. Rithhoeck,

3 inc. and 1 for Ind. Of.  
with copy hereof.

Secretary.

McM--3-5-07.



D.C. 16809.  
I.T.D. 7872-1907.  
8076- "  
L.R.S.

J.F.Jr.  
J.P.  
FHR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 12, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your attention is called to letters of the Department dated March 4, 1907, one (I.T.D. 7872-07) concurring in your report of February 28, 1907, in which you recommended that your decision of October 2, 1906, in the matter of the application of Henry E. Burks for enrollment as a citizen of the Choctaw Nation, be reversed and said applicant be enrolled, and approving a schedule of Choctaw citizens by blood containing the name of said Henry E. Burks, and the other (I.T.D. 8076-07) transmitting a copy of an opinion of the Assistant Attorney-General dated and approved March 4, 1907, in which it was held that the application of Henry E. Burks for enrollment as a Choctaw by blood should be denied, and, in accordance with said opinion, affirming your decision of October 2, 1906, in said case.

You are advised that departmental letter I.T.D. 8076-07, promulgating the opinion of the Assistant Attorney-General dated March 4, 1907, was written subsequent to departmental letter

I.T.D. 7872-07, and as by said subsequent letter the application of Henry E. Burks was rejected, it necessarily follows that the earlier departmental letter in favor of this applicant was rescinded. While the later decision did not formally state that the name of the applicant would be stricken from the roll, it was so intended, and consequently said name was stricken from the roll as of the date March 4, 1907.

In this connection your attention is called to that part of departmental letter of March 4, 1907 (I.T.D. 7794-07), with reference to the partial rolls of the Choctaw and Chickasaw nations, in which it was stated:

"If by inadvertence the name of any one has been left on any partial roll after decision adverse to him was made by the Department, prior to March 5, 1907, and since the opinion of the Attorney-General referred to, the name of such person should be stricken from the roll as of this date."

Respectfully,

J.R.Garfield,

Secretary.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL  
WASHINGTON

JWH

I.T.D.  
2988-1907.

March 4, 1907.

The Secretary of the Interior,

Sir:

By reference of March 1, 1907, I am in receipt of the record and papers in the Choctaw enrollment case of Henry E. Burks.

My attention is directed, in the letter of reference, to the fact that the applicant does not claim Indian blood in any degree, "his father being an intermarried citizen of the Choctaw Nation, and his mother an intermarried citizen by reason of her first marriage as (to) a Choctaw by blood." Under such conditions, and, in view of the opinion of the Attorney General of the United States, of February 19, 1907, in the case of William C. Thompson, et al., my opinion is requested as to whether a decision rendered by the Commission to the Five Civilized Tribes, in 1896, in favor of the applicant, should be considered as final.

Examining the matter first from the standpoint of the action taken in 1896, I find that Henry E. Burks made original application, September 8, 1896, to the Commission to the Five Civilized Tribes, under the Act of June 10, 1896, (29 Stats., 321) and that a decision, admitting him to enrollment, was rendered by the Commission, but not until December 22, 1896.

The application was made within the time prescribed by said Act but was not passed upon by the Commission within the

90 days after it was made nor within six months after the act went into operation. This being true, the decision of the Commission, rendered December 22, 1896, was of no force or effect, for the provision in the statute that -

The said Commission shall decide all such applications within ninety days after the same shall be made, was, in the opinion of the Attorney General, mandatory.

Henry E. Burks' original application was made in the form of an affidavit executed at Tampa, Florida, dated June 1, 1899, which contains all the testimony taken in the case. From this affidavit it does not appear where he was born. He claims, however, that he was raised in the Choctaw Nation and there resided until he became 21 years old; that he then took up the vocation of a railroad man; that his employment in such capacity has led him from the Territory "in order to earn a livelihood", but that he has returned thereto frequently and has intended all the time to establish a home there as soon as his employment would permit him to do so. It further appears from his affidavit that he was in the United States Army at the date thereof, and that he had been in such service for the year preceding that date.

Contrary to the statement contained in the letter of reference, it appears that Burks' mother, only, was a citizen by intermarriage of the Choctaw nation. His father has, according to the decision of the Commissioner to the Five Civilized Tribes, been duly enrolled as an intermarried citizen of the Chickasaw nation. This difference in the citizenship of his parents also appears in Burks' affidavit. Assuming, for the moment, the

accuracy of his allegations, he is entitled, under the practice of the Department, to have his claim considered as an applicant for enrollment either as a Choctaw or Chickasaw.

Inasmuch as Henry E. Burks was born in 1861, it is to be presumed, in the absence of any question as to his legitimacy, that his parents were married prior to the date as well as prior to the Treaty of 1866 between the United States and the Choctaw and Chickasaw nations.

That Treaty provides in part as follows:

Article 26. The right here given to Choctaws and Chickasaws, respectively, shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations or who may hereafter become such.

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations, according to his domicile, and to prosecution and trial before their tribunals and to punishment according to their laws, in all respects as though he was a native Choctaw or Chickasaw.

The articles quoted above relate to both tribes.

Passing now to statutes relating, respectively, to each tribe, it is found that the Choctaw intermarriage act of 1875 contains the following section:

5. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation by intermarriage, as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman or person, as the case may be, having no rights of Choctaw citizenship by blood. In that case all his or her rights acquired under the provisions of this act shall cease.

Here it is to be observed that the Attorney General in the opinion of February 19, 1907, in the Kingsbury-Littlepage

case, expressed the view that --

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person intermarrying into the tribe should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney-General Moody unquestionably had reference to cases of this character.

But as it is alleged that applicant's father is a citizen by intermarriage of the Chickasaw nation, it is also to be observed that the Chickasaw Act of October 19, 1876, as amended September 24, 1887, contains the following provision:

Sec. 3. Be it furthered enacted, That no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of the United States, and a member of the Chickasaw Nation, shall enable such citizen of the United States, to confer any right or privilege whatever, in this Nation, by again marrying another citizen of the United States, or upon such other citizen of the United States or their issue. X X X

Said section 3 is a repetition in substance, if not in exact terms, of the Act of 1876, as it originally read. Section 4 of the act, before amendment, read as follows:

Be it further enacted, That this act shall not be construed so as to interfere with marriages solemnized prior to the treaty of 1866; and that it take effect and be in force from and after its passage.

In the amended form the act contains the following provision:

Section 4. Be it further enacted, That all Acts or parts of Acts coming in conflict with the provision of this Act are hereby repealed and that this Act take effect from and after its passage.

After careful consideration of the Choctaw Act of 1875, and, in view of the guarded reference made by the Attorney General to the same, I am inclined to the view that said act was not intended to be retroactive. It would certainly seem that it would be inequitable in the extreme to apply the act to persons who

married prior to the Treaty of 1866 or to their offspring born prior to that date. There would, accordingly, appear to be no lawful bar, in such cases, to the enrollment of the children of intermarried whites as native born Choctaws.

It would seem, inasmuch as the Chickasaw Act of October 19, 1876 was to take effect from and after its passage " and from the use of the word "shall" therein, that it was designed to have a prospective effect only. It is evident that it was intended to prevent an intermarried white (widow or widower) from conferring Chickasaw citizenship, by a second marriage, upon a "citizen of the United States," or upon the issue resulting from such marriage. Manifestly, a marriage with a person who had ceased to be a "citizen of the United States" and had become a member of either of said nations would not be such a marriage as would come within the terms of the statute.

I therefore conclude I would not be justified in advising you to apply the opinion of the Attorney General of February 19, 1907, to this and similar cases.

There is, however, another feature of the case which, in my opinion, should control in its decision. The only testimony taken was furnished by the applicant himself and is in the form of an affidavit. His application was made in 1899, and from that time until recently he was entitled to appear in person or offer witnesses in favor of his claim. The correspondence shows that the Dawes Commission wrote him in order that he might do so but he did not avail himself of the opportunity. Even his own father, who resides in the Indian Territory, has not testified in his favor.



His claim is designed to secure land and money, aggregating, in value and amount, thousands of dollars. To allow such a claim and upon such evidence would probably be contrary to the practice of all tribunals. It would certainly be incompatible with good administration.

It is, therefore, my opinion that, upon the record as now made up, the applicant should be denied enrollment.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved March 4, 1907.

E. A. Hitchcock,

Secretary.

S.P.

DEPARTMENT OF THE INTERIOR

JF Jr

I.T.D. 2288-1907.

WASHINGTON

8076-

D.C. 12340-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Waskogee, Indian Territory.

Sir:

On February 11, 1907 (Lead 12230-07), the Indian Office transmitted your report, dated October 2, 1906, forwarding the record of proceedings in the matter of the application of Henry E. Burks, of San Antonio, Texas, for enrollment as a citizen of the Choctaw Nation, together with your decision adverse to said applicant.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

There is inclosed for your information a copy of an opinion of the Assistant Attorney General for this Department, dated and approved March 4, 1907, denying the application of said Henry E. Burks.

In accordance with said opinion, your decision in this case is hereby affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

James H. Wilson,  
Acting Secretary.

2 inc. and  
5 to Ind. Of.  
A.F.Ms. 2-6-07.

Land.  
87310-1906.  
12230-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(COPY)

WASHINGTON.

February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 6, 1907 (I. T. D. 1679-1907), enclosing a letter from Hon. Charles A. Culberson, concerning the application of H. E. Burks, of San Antonio, Texas, for enrollment as a citizen of the Choctaw Nation, I have the honor to enclose herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, together with the record of proceedings had in the matter of the application of Henry E. Burks for enrollment as a citizen of the Choctaw Nation, and decision dated October 2, 1906, denying the application.

Henry E. Burks made his application for enrollment under date of June 1, 1899, at which time he was a resident of Tampa, Fla., and alleges that he was then 38 years of age, did not claim Indian blood in any degree; that his father was an intermarried citizen of the Choctaw Nation; that his mother was an intermarried citizen by reason of her first marriage as a Choctaw by blood. On February 26, 1902, the applicant was notified that the final consideration of his application would be taken up by the Commissioner to the Five Civilized Tribes at his office in Muskogee I. T., on April 2, 1902, at which time he was notified

to appear before the Commission in person or by attorney, and introduce any additional testimony that he might desire concerning his application. On the day set for the hearing, the applicant failed to appear either in person or by attorney, and no appearance was made on behalf of the Choctaw Nation.

It further appears that application for the admission of applicant to citizenship in the Choctaw Nation was made on September 8, 1896, under the provisions of the Act of June 10, 1896 (29 Stat.L., 321), claiming his right at that time as a citizen by blood, and he was admitted to citizenship by blood of the Choctaw Nation on December 22, 1896.

The Office is of the opinion that in accordance with the opinion of the Assistant Attorney General for the Department of the Interior, dated May 24, 1906, (I.T.D. 46-1906) in the case of Hayne Helms, the action of the Commissioner to the Five Civilized Tribes of December 22, 1906, admitting the applicant as a citizen by blood of the Choctaw Nation, was without authority of law and void and of no effect on the status of the applicant as a citizen of the Choctaw Nation, and that he being a person claiming through parents of no Indian blood, in accordance with the ruling in the <sup>\*</sup>William Jesse Bacon case (I.T.D. 2548-1906), is not entitled to enrollment.

It is therefore respectfully recommended that the decision of the Commissioner to the Five Civilized Tribes adverse

*The Bacon case was subject of an opinion in favor of applicant.*

-3-

to the applicant, be affirmed.

In a letter from the applicant, dated October 7, 1906, and referred to this Office by Departmental reference of October 13, 1906, the applicant asked that the decision in his case be deferred until his attorneys, O. W. Patchell, of Pauls Valley I. T., and James A. Cotner, of Ardmore, I. T., could prepare and file a brief in the case. The applicant was notified, on October 22, 1906, that time would be given for that purpose. No brief has been filed in the case.

Senator Culberson's letter is returned herewith.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

KWR-SD

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On October 2, 1896, this office transmitted to the Department the record in the matter of the application for the enrollment of Henry E. Burke as a citizen of the Choctaw Nation, together with the decision of the Commission of the same date, denying said applicant.

The record in this case shows that application was made for the enrollment of the applicant on September 24, 1896; that the applicant was admitted to citizenship in the Choctaw Nation on December 22, 1896 by the Commission to the Five Civilized Tribes under the provisions of the Act of June 10, 1896 (29 Stats., 321); that from this decision of the Commission no appeal was taken.

It appears from the affidavit of the applicant, sworn to on June 1, 1899, that said applicant was, on June 20, 1898, serving in the United States Army, and that he was reared in the Choctaw Nation and lived there continuously from his childhood until he was twenty-one years of age;

that at no time did he leave the Choctaw Nation with the intention of abandoning his right, or home there.

So far as is shown by the record said applicant is still serving in the United States Army.

In view of the opinion of the Attorney General for the United States, dated February 10, 1907, in the matter of certain citizenship cases referred to him for consideration by the Department of the Interior, the action of the Commissioner of October 2, 1906, denying the application for the enrollment of the applicant, is hereby rescinded.

I am of the opinion that in accordance with the opinion above referred to, the applicant, Henry E. Parks, should be enrolled as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

Respectfully,

Commissioner.



7-6081.

Muskogee, Indian Territory, April 17, 1907.

Henry E. Burks,

c/o Headquarters Department of Texas U.S.A.,  
San Antonio, Texas.

Dear Sir:

You are hereby advised that on March 12, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-6061.

Muskogee, Indian Territory, April 17, 1907.

O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on March 12, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-6081.

Muskogee, Indian Territory, April 17, 1907.

Hansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 12, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Henry E. Burks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Christians

Henry E. Perkins

age 38

Admitted by James Cone  
Case 633 (no appeal)

Wives of two white people -

Henry Perkins, white woman married  
in 1845 to David Hall (Christians  
Dublin by Mass.), He died and she  
then married W. S. Perkins - white  
man - father of H. E. Perkins

(Not a record of the  
family)

(Christians)

Choc 6082

Nancy H. Taylor

6082

181

Frances E. Husbands and others.

Frances E. Husbands says:

I was admitted to Choctaw citizenship by the U.S. court. Stephen A. Hale is my grandson. He was admitted by the Dawes Commission. I live near Hart, Chickasaw Nation. I have been living in the Chickasaw Nation something over 6 years. I removed here from Texas Feb. 17th 1892. I had resided there since 1856.

Stephen A. Hale was born in Texas and lived there until March 1897.

He came here to the Chickasaw Nation and went back to Texas last December and has not returned.

Stonewall, Sept. 7, 1898.

Frances E. Husbands  
Stephen A. Hale

enrolled.

Nancy H. Taylor and others.

Nancy H. Taylor says:

I am mother of Willie B/ and Sarah E . Taylor  
admitted to Choctaw citizenship by the Dawes Commission case  
1358. I live near Hart, Chickasaw Nation.

I came to the Chickasaw Nation and remained nearly 2 months, and  
returned to Texas and remained until about the 5th of June 1898.,  
when I came here. On the 24th of June I returned to Texas and remained  
until th e 27th of Agust 1898.

Sept-7-1898



Thomas J. Husbands and others.

Thomas J. Husbands says:

I was admitted to Choctaw citizenship by the Dawes Commission, Case 1358. My little daughter Johnie M. was born July 25th 1898. Her mother is Catherine J. a non-citizen.

I now live near Hart, Chickasaw Nation. I came here from Texas in March 1892. I had lived there all my life. I have resided here continuously since the above named time.

Thomas J. Husbands  
Johnie M. Husbands

enrolled.

Exhibit a

## Certificate of Record of Marriage.

UNITED STATES OF AMERICA, }  
THE INDIAN TERRITORY. } set.  
SOUTHERN DISTRICT.

I. JOSEPH W. PHILLIPS, Clerk of the  
United States Court in the Territory and  
District aforesaid,

DO HEREBY CERTIFY that the License  
for, and Certificate of Marriage of

Mr. T. J. Husband and

M. C. J. Lane

were filed in my office in said Territory and  
District the 27 day of Oct A. D. 1897  
and duly recorded in Book 8 of Marriage  
Record, page 161.

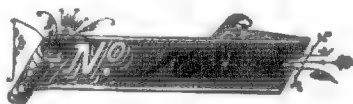
WITNESS my hand and seal of said Court,  
at Ardmore, this 27 day of Oct  
A. D., 1897

J. W. Phillips  
JOSEPH W. PHILLIPS, CLERK

By \_\_\_\_\_ Deputy.

Ardmorette Steam Job Print.

J. A. Campbell Clerk



# Marriage \* License.



United States of America,  
THE INDIAN TERRITORY.  
SOUTHERN DISTRICT.

To any Person Authorized by Law to Solemnize  
Marriage, Greeting:

You are hereby commanded to solemnize the  
Rite and publish the Banns of Matrimony between  
Mr. Thomas J. Husband of Hart  
in the Indian Territory, aged 34 years, and  
Miss Catherine J. Law of Hart  
in the Indian Territory, aged 21 years,  
according to law, and do you officially sign and return  
this License to the parties therein named.

WITNESS my hand and Official Seal, this 20 day of Oct. A. D., 1897.

C. M. Campbell

CLERK OF THE UNITED STATES COURT.

\*\*\*\*\*

## Certificate of Marriage.

UNITED STATES OF AMERICA,  
THE INDIAN TERRITORY.  
SOUTHERN DISTRICT.

M. H. Freeman  
Minister G.O.

DO HEREBY CERTIFY, that on the 21 day of Oct. A. D. 1897  
I did duly and according to law, as commanded in the foregoing License, solemnize  
the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 21 day of October A. D. 1897

My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, Southern District, at Ardmore, Book

Page 107

M. H. Freeman  
Minister G.O.

NOTE—This License and Certificate of Marriage must be returned to the Office of the  
Clerk of the United States Court in the Indian Territory, from whence it was issued, within  
sixty days from the date thereof, or the party to whom the License was issued will be liable in  
the amount of One Hundred Dollars (\$100.)

## IN RE

Application for Enrollment of

INFANT CHILD

*James Alexander Steensands*  
as a citizen of the*Choctaw*

Nation.

Approved, JUN 23 1900 190



Commissioner.

*01/20  
5319*

## Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
 of James Alexander, born on the 22 day of April, 1900  
 (Here insert name of child.)  
 Name of Father Thomas J. Husband a citizen of the Choctaw Nation;  
 Name of Mother Catharine J. Husband a citizen of the Choctaw Nation.  
 Postoffice, Hart Ind. Terr.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.)

INDIAN TERRITORY.  
Southern District.)

I, Catharine J. Husband, on oath state that I am 24  
 years of age and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
 that I am the lawful wife of Thomas J. Husband, who is a citizen, by  
blood, of the Choctaw Nation; that a male child was  
 (male or female)  
 born to me on the 22 day of April, 1900, that said child has been  
 named James Alexander, and is now living.

WITNESSES TO MARK:

Catharine J. Husband(Must be Two  
Witnesses.)Subscribed and sworn to before me this 16 day of May, 1900H. B. Webster  
 Hart Ind. Terr. NOTARY PUBLIC

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.)

INDIAN TERRITORY.  
Southern District.)

I, Sam C. Davis, a Practicing Physician on oath state that I  
 attended on Mrs. C. J. Husband, wife of Thomas J. Husband  
 on the 22 day of April, 1900, that there was born to her on  
 said date a male child; that said child is now living and is said to have been  
 (male or female)  
 named James Alexander.

WITNESSES TO MARK:

Sam C. Davis M.D.Subscribed and sworn to before me this 16 day of May, 1900H. B. Webster  
 Hart Ind. Terr. NOTARY PUBLICSouthern DistrictSam C. Davis

7-R-722

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 28, 1904.

In the matter of the application of Catherine J.  
Husbands as a citizen by intermarriage of the Choctaw Nation.

-----

Catherine J. Husbands having been first duly sworn  
upon oath testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Catherine J. Husbands.  
Q What is your post office address? A Dolberg.  
Q In what Nation is that? A Chickasaw Nation.  
Q What was your mother's name? A Eliza Law.  
Q What was your father's name? A James Law.  
Q Your father and mother both white people? A Yes sir.  
Q Citizens of the United States? A Yes sir.  
Q You claim no rights as an Indian by blood do you? A No  
sir.  
Q On what do you base your rights? A By intermarriage.  
Q Through whom do you claim your rights? A Thomas J.  
Husbands.  
Q Is he a Choctaw by blood? A Yes sir.  
Q When were you married to Thomas J. Husbands? A October  
21, 1897.  
Q By whom were you married? A Mr. Freeman, I don't know  
what his initials are.  
Q Was he a minister of the gospel? A Yes sir he was a minister.  
Q Where were you married? A At home near Dolberg.  
Q In the Choctaw Nation? A No sir in the Chickasaw Nation.  
Q You were married in the Chickasaw Nation? A Yes sir.  
Q Did you have a tribal license? A No sir.  
Q The only form of marriage that was performed between you  
and your husband, Thomas J. Husbands was under a United States  
license? A Yes sir.  
Q That was on October 21, 1897? A Yes sir.  
Q Was he your first husband? A Yes sir.  
Q Were you his first wife? A No sir.  
Q To whom was he married prior to his marriage to you? A He  
was married to Mr. Blunt's daughter.  
Q Was she dead at the time you married Thomas J. Husbands?  
A Not that I know of.

- Q Where was Thomas J. Husbands residing at the time you were married to him? A Near Hart.
- Q In what Nation? A Chickasaw Nation.
- Q So at the time of his marriage to you, you were both residents of the Chickasaw Nation? A Yes sir.
- Q Have you and he lived together as husband and wife since that time? A Yes sir.
- Q Where? A In the Chickasaw Nation.
- Q Have you lived anywhere else than in the Chickasaw Nation since you were married? A No sir.
- Q Have always made you home in the Chickasaw Nation? A Yes sir.
- Q Has there been any abandonment, separation or divorce between you folks? A No sir.

The marriage license and certificate between Thomas J. Husbands and Catherine J. Husbands, (nee Law) is on file in Choctaw jacket number 5319.

Thomas J. Husbands through whom the applicant claims the right as a citizen by intermarriage of the Choctaw Nation is identified on Choctaw field card number 5319.

THOMAS J. HUSBANDS

Having been first duly sworn upon oath testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas J. Husbands.
- Q Are you an applicant before this Commission? A Yes sir.
- Q As a Choctaw by blood? A Yes sir.
- Q How old are you? A Forty two.
- Q What relation are you to the applicant, Catherine J. Husbands? A I'm her husband.
- Q When were you married to her? A On October 21, 1897.
- Q Were you married in the Chickasaw Nation? A Yes sir.
- Q By virtue of United States license? A Yes sir.
- Q You were never married in accordance with the tribal laws of either the Chickasaw or Choctaw Nations? A No sir, I asked for a Choctaw license but they wouldn't give it to me.
- Q Were you married prior to your marriage to Catherine J. Law? A Yes sir.
- Q How many times? A Once.
- Q To whom were you married prior to your marriage to Catherine J. Law? A Alabama Blunt.
- Q When were you married to her? A In '87.
- Q Where? A In Texas.
- Q How long did you live with her? A Two years.
- Q Then what took place? A We separated.
- Q Did you obtain a divorce from her? A Yes sir.



7-R-722----3

- Q In what Court? A In Taylor County Texas U. S. Court.  
Q When, about when? A About the year 1891 or '92; I  
couldn't be positive which now.  
Q Were you ever married to anyone else? A No sir.

In the matter of the application of your wife,  
Catherine J. Husbands, as a citizen by intermarriage  
of the Choctaw Nation, it will be necessary for you  
to furnish the Commission with a certified copy of  
the decree of divorce between yourself, Thomas J.  
Husbands, and your former wife Alabama Blunt.

- Q You were a resident of the Chickasaw Nation at the time  
you were married to Catherine J. Law? A Yes sir.  
Q How long had you been a resident of the Chickasaw Nation  
at the time you married her? A I had been a resident  
of the Chickasaw Nation four years.  
Q How long had your wife been living in the Chickasaw Nation,  
if at all, at the time you married her? A Near on to  
two years that I knew of.

CATHERINE J. HUSBANDS recalled  
testified as follows:

- Q Where were you living at the time of your marriage to Thomas  
J. Husbands? A Near Dolberg, in the Chickasaw Nation.  
Q How long had you been living in the Chickasaw Nation at  
the time you were married to Thomas J. Husbands? A I  
had been living in the Chickasaw Nation eight years.  
Q How old are you? A I'm 28 years old.

Mattie V. Vaughn states upon oath that as stenographer  
to the Commission to the Five Civilized Tribes she correctly  
recorded the testimony in the above entitled cause and that  
the foregoing is an accurate transcript of her stenographic  
notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 28th day of  
November 1904.

J. B. Campbell  
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Sarah Malissa Husbanda

as a citizen of

Choctaw

Nation.

Approved

MAY 7 1902

1902

C. H. Bushinger

Commissioner.

ACTING CHAIRMAN.

MAY 7 1902

FILED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chocktaw Nation,  
Sarah Malissa Hustands born on the 5 day of Jan, 1901  
 (Here insert name of child.)  
 Name of Father: Thomas J. Hustands a citizen of the Chocktaw Nation.  
 Name of Mother: Catherine J. Hustands a citizen of the Chocktaw Nation.  
 Post-office Dalburg, S. I.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Southern

District.

I, Catherine J. Hustands, on oath state that I am 26  
 years of age and a citizen, by Marriage, of the Chocktaw Nation;  
 that I am the lawful wife of Thomas J. Hustands, who is a citizen, by  
Birth, of the Chocktaw Nation; that a Female child was  
 (male or female.)  
 born to me on 5<sup>th</sup> day of January, 1901; that said child has been  
 named Sarah Malissa Hustands, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 1<sup>st</sup> day of March, 1901

Com Ex p Dec 10 1901 J. J. Hart  
 NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Southern

District,

I, S. C. Davis, a M.D., on oath state that I  
 attended on Mrs. Catherine J. Hustands, wife of Thomas J. Hustands,  
 on the 5<sup>th</sup> day of January, 1901; that there was born to her on  
 said date a Female child; that said child is now living and is said to have been  
 (male or female.)  
 named Sarah Malissa Hustands

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 1<sup>st</sup> day of March, 1901

Com Ex p Dec 10 1901 J. J. Hart  
 NOTARY PUBLIC.

NEW BORN #406

20

IN RE

Application for Enrollment of

INFANT CHILD

*Frances E. Husbands*

as a citizen of

*Choctaw* Nation.

Approved 190

Commissioner.

*Born Feb. 4, 1904*

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

AUG 4-1906

COMMISSIONER.

CHOCTAW  
NB 406.

RECEIVED  
*July 23, 1906*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Francis E. Hurbands born on the 4 day of February, 1904  
(Here insert name of child.)  
Name of Father: Thomas J. Hurbands citizen of the Choctaw Nation.  
Name of Mother: Catherine J. Hurbands citizen of the U. S. Nation.  
Post-office Dolberg Ind Terr

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
Southern INDIAN TERRITORY District.

I, Catherine J. Hurbands, on oath state that I am 28  
years of age and a citizen, by birth, of the U. S. Nation;  
that I am the lawful wife of Thomas J. Hurbands, who is a citizen, by  
Blood, of the Choctaw Nation; that a female child was  
(male or female.)  
born to me on 4 day of February, 1904; that said child has been  
named Francis E. Hurbands, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this

4<sup>th</sup> day of March, 1905.Chas E W Westhoff  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
Southern INDIAN TERRITORY District.

I, Dr J H Masterson, a Physician, on oath state that I  
attended on Mrs. Catherine Hurbands wife of Thomas J. Hurbands  
on the 4<sup>th</sup> day of February, 1904; that there was born to her on  
said date a female child; that said child is now living and is said to have been  
(male or female.)  
named Francis E. Hurbands.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this

7<sup>th</sup> day of March, 1905.Chas E W Westhoff  
NOTARY PUBLIC.

NEW BORN

406

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Nancy E. Han. Husbands

as a citizen of

Choctaw

Nation.

Approved..... 190...

Commissioner.

Born Feb. 23, 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

MAY 25 1906

CHOCTAW

RECEIVED

MAY 22 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Nation,  
of ..... born on the ..... day of .....  
[Here insert name of child]  
Name of Father: ..... a citizen of the ..... Nation.  
Name of Mother: *b* ..... a citizen of the ..... Nation.  
Tribal enrollment of father: ..... Tribal enrollment of mother: .....  
Postoffice: .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
..... District. }

I, *b* ..... on oath state that I am .....  
years of age and a citizen of ..... of the ..... Nation;  
that I am the lawful wife of ..... who is a citizen, by  
..... of the ..... Nation; that a ..... child was  
[Male or Female]  
born to me on ..... day of .....; that said child has been named  
..... and was living March 4, 1906

*Catharine J. Husbands*

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this *21* day of *May*, 1906.

*Arlene Herbert*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
..... District. }

I, ..... a ..... on oath state that I  
attended on *b* ..... wife of .....  
on the ..... day of .....; that there was born to her on said date a .....  
[Male or Female]  
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two  
Witnesses]

Subscribed and sworn to before me this *21* day of *May*, 1906.

*Arlene Herbert*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 11 1904



CHAIRMAN.

No. ....

*versus*

**COPY OF ORDER OF COURT.**

....., *Clerk,*

*By* ..... , *Deputy.*

## COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY.

Central DISTRICT.

IN THE UNITED STATES COURT in the Indian Territory, Central District,  
 at a term thereof begun and held at South McAlester, in the Indian  
 Territory, on the 18th, day of January 1898, A. D. 190 ;  
 Present, the Honorable Wm. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

Francis Elizabeth Husbands

vs.

No. 199

Judgment

Choctaw Nation

Now on this day this cause comes on to be heard, the appellant Choctaw Nation appearing by its attorney J. H. Gordon, and appellee, Francis Elizabeth Husbands appearing by her attorney, J. H. Wilkins and the parties announcing ready for trial, the issues were submitted upon the pleadings and proof, and the court being well and sufficiently advised in the premises doth find for the Appellee, Francis Elizabeth Husbands, and against the appellant Choctaw Nation.

It is therefore considered, ordered, adjudged and decreed by the court that the Appellee, Francis Elizabeth Husbands is a Choctaw Indian by blood and entitled to be enrolled as a member of the Choctaw Tribe of Indians, and that she have and recover of and from the ~~defendant~~ appellant, the Choctaw Nation, her costs herein, laid out and expended, and that the clerk of this court certify this judgment to the Dawes Commission.

United States of America,

INDIAN TERRITORY.

Central

DISTRICT.

88.

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 18th, day of January 1898, 190 , as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in So. McAlester, in said District, this 29th, day of August 1904, A. D. 190

E. J. Fannin

Clerk,

By

L. M. Dwyer Deputy.

Copy

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Ind. Ter., August 2, 1900.

In the Matter of the Application of Thomas J. :  
Husbands for the enrollment of himself and his :  
minor children Johnie M. and James A., as cit- :  
izens by blood of the Choctaw Nation, and of :  
his wife, Catherine J. Husbands, as an inter- :  
married citizen of the Choctaw Nation. :  
-----

Thomas J. Husbands, being first duly sworn, testified as follows:

By the Commission:

- Q Please state your name? A Thomas J. Husbands.  
Q Where do you live? A Dolberg, Ind. Ter.  
Q Is Dolberg your post office address? A Yes sir.  
Q How old are you? A Thirty-seven years.  
Q You have heretofore appeared before the Commission and applied for the enrollment of yourself and daughter Johnie M. as citizens by blood of the Choctaw Nation, have you not? A Yes sir.  
Q Where was that? A At Stonewall.  
Q What year? A '98 I reckon; two years ago this month.  
Q You now desire to apply also for the enrollment of your wife as an intermarried citizen of the Choctaw Nation, do you?  
A Yes sir.  
Q How long have you lived in the Choctaw or Chickasaw Nations?  
A Something over seven years; seven years last January.  
Q You have lived there continuously during all that time, have you?  
A Yes sir.  
Q Never have been out of the territory in that time? A No sir.  
Q What is the name of your wife for whom you make application?  
A Catherine J.  
Q What is her father's name? A James Law.  
Q Is he living? A Yes sir.  
Q Is he a white man? A Yes sir.  
Q Where does he live? A Dolberg.  
Q What is the name of your wife's mother? A I have forgotten her given name; I knew they name they called her.  
Q Was she a white woman? A Yes sir.  
Q You don't remember the name of her mother? A No, and she don't remember her name either. She is dead and died when my wife was an infant.  
Q You are sure she was a white woman? A She was a white woman, the best we know.  
Q Where were you married? A We were married near Hart, Chickasaw Nation.  
Q When? A In '97.  
Q What time in '97? A October 21.  
Q You make application for her enrollment as a Choctaw by intermarriage, do you? A Yes sir.  
Q Both of you were living in the Chickasaw Nation at the time of your

marriage were you? A Yes sir.

Q Under what law were you married? A United States law.

Q From whom did you procure your marriage license? A From the United States; from the Clerk of the U.S. Court at Paul's Valley.

Q Do you desire to offer in evidence at this time, your marriage license and certificate? A Yes sir.

Marriage license of Thomas H. Husbands and Miss Catherine J. Law, issued by C.M. Campbell, Clerk of the U.S. Court for the southern district of the Indian Territory on Oct. 20, 1897, and also the certificate of marriage signed by M.H. Freeman, a minister of the gospel, offered in evidence, marked Exhibit A. and made a part of this record.

Q This paper which you have just handed to me, and which is marked Exhibit A., is the document given you by the Clerk of the U.S. Court, to which you have just referred? A Yes sir.

Q How old is your wife? A 24 years.

Q What are the names and ages of your children, now living? A Johnie M., 2 years, and James A., born the 22d of last May.

Q The first named, Johnie, is a daughter? A Yes sir.

Q Have you ever appeared before the Commission before this time for the enrollment of your wife as an intermarried citizen? A No sir.

Q Why didn't you do so prior to this time? A I didn't know that marriage by U.S. law gave her any right; I have been informed by the lawful authorities, that she was entitled to enrollment.

Q You do not mean by any of the officers of the Commission? A No.

Q You have been informed by outside parties that she was entitled to enrollment? A Yes, by citizens of the Chickasaw Nation, and of the Choctaw Nation.

Q Have you ever been recognized by the tribal authorities as a citizen of the Choctaw Nation? A No, I don't know as I have.

Q Does your name appear on the Choctaw tribal rolls, and of them?

A Not that I know of; only the Commission roll, and the United States roll.

Rolls of the citizens of the Choctaw nation prepared by the Choctaw tribal authorities in the year 1896 examined and the name of Thomas J. Husbands is not found thereon.

Q Did you make application in the year 1896 to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, for citizenship in the Choctaw Nation? A Yes sir.

Q Do you remember the title of the case in which your name appeared?

A Frances E. Husbands.

Q Frances E. Husbands vs. the Choctaw Nation, is that correct?

A Yes sir.

Record of Applications made to the Commission to the Five Civilized Tribes for the year 1896, for citizenship in the Choctaw Nation examined, and on page 426 thereof is found the case of Frances E. Husbands et al v. the Choctaw Nation, being No. 1358, filed Sept. 9 1896. Answer filed. Frances Elizabeth Husbands Frances G. Mathews, Florence S. Blanton, T.J. Husbands, Stephen A. Haile, Mrs W.H. Taylor, W.H. Taylor and S.E. Taylor, all admitted as citizens by blood of the Choctaw Nation. The cause appealed by the Choctaw Nation as to Frances Elizabeth Husbands; no appeal as to the other persons hereinabove mentioned.

Q You are the identical Thomas H. Husbands who was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the case which you have just heard read from the records of the Commission, are you? A Yes sir.

Q Your mother's name is Frances E. Husbands, is it? A Yes sir.

Q Your mother is the person referred to therein, as Frances E. Hus-

bands is she? A Yes sir.

Q What is the name of your father? A James A. Husbands.

Q Is he a white man or a Choctaw? A A white man

Q Your wife has never been recognized in any way by the tribal authorities as a Choctaw citizen, has she? A No sir.

Q Is there any additional statement in regard to this case that you desire to make at this time? A No sir.

Q Have you any additional papers you desire to file in connection with this application? A No sir.

Q You will be furnished at a later date with a copy of the decision of the Commission with relation to the application made by you at this time for the enrollment of your wife as an intermarried citizen of the Choctaw Nation, mailed to you at your present postoffice address.

---0---

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony of the above mentioned witness, and that the foregoing is a true and complete translation of her shorthand notes in said case.

(Signed) Frances R. Brown.

Subscribed in my presence and sworn to before me this 14th day of August, A.D. 1900.

(Signed) Tams Bixby.  
Acting Chairman.

Copy

Choctaw Court Card C 19

IN RE application of Thomas J. Husbands and others.  
Sworn by Commissioner McKennon  
Thomas J. Husbands says:

I was admitted to Choctaw citizenship by the Dawes Commission, Case 1358. My little daughter Johnie M. was born July 25th 1898. Her mother is Catherine J. a non-citizen.

I now live near Hart, Chickasaw Nation. I came here from Texas in March 1892. I had lived there all my life. I have resided here continuously since the above named time.

Thomas J. Husbands  
Johnie M. Husbands

enrolled.



705310

NOV 28 1904

In the Choctaw and Chickasaw citizenship Court, sitting at  
Tishomingo, in the Indian Territory, October Term, 1904.

Francis E. Husbands,

-vs-

No. 130.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 20th day of October, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiff, Francis E. Husbands or Francis Elizabeth Husbands, is not entitled to be deemed or declared a citizen of the Choctaw Nation, or to enrollment as such citizen, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiff, Francis E. Husbands or Francis Elizabeth Husbands, be denied, and that she be declared not a citizen of the Choctaw Nation, and not entitled to enrollment as such citizen, and not entitled to any rights whatever flowing therefrom.

(Signed) Spencer B. Adams.  
Chief Judge.

(Signed) Walter T. Weaver.  
Associate Judge.

(Signed) H. S. Foote.  
Associate Judge.

CERTIFICATE OF CLERK

I, James B. Cassada, Clerk of the Choctaw and Chickasaw  
Citizenship Court, do hereby certify that the foregoing is a  
true and correct copy of the decree in case #130 entitled  
Francis E. Husbands vs. Choctaw and Chickasaw Nations.

I further certify that there is no other name than the  
said Francis E. Husbands included in the said decree.

IN WITNESS WHEREOF I hereunto set my hand and seal of  
said Court at Tishomingo, Indian Territory, on this 14th day  
of November, 1904.

*James B. Cassada*  
CLERK.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, DECEMBER 12, 1904.

In the matter of the application of Nancy H. Taylor, and her two minor children, Willie B. Taylor and Sarah E. Taylor, and her nephew, Stephen A. Hale, for enrollment as citizens by blood of the Choctaw Nation.

SUPPLEMENTAL TESTIMONY.

NANCY H. TAYLOR

Being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nancy H. Taylor.
- Q What is your post office address? A Roth, Indian Territory.
- Q How old are you? A I was 36 years old on the 30th day of this last June.
- Q What is your father's name? A J. A. Husbands.
- Q Is he a United States citizen? A Yes sir I suppose he is. He is no citizen here.
- Q What is your mother's name? A Frances Elizabeth Husbands.
- Q She was denied as a citizen of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court wasn't she? A Yes sir, my mother was.
- Q Did you apply in 1896? A Yes sir I think that is the date; if I am not mistaken that is the date.
- Q For whom did you apply at that time? A Myself and Willie B. Taylor and Sarah E. Taylor- my two children.
- Q Was application made for Stephen A. Hale at the time you were admitted? A Yes sir.
- Q Was an appeal ever taken? A There was an appeal taken against Frances E. Husbands but not them.
- Q Where were you born? A In Texas.
- Q When did you first come to the Indian Territory? A Well now I could not exactly tell you; I think it was about 12 years ago this last May; about May 1892. It was either '92 or '93 I could not tell you exactly which.
- Q What part of the Territory did you come to? A I come to the Chickasaw Nation.
- Q How long did you remain there? A I couldn't exactly tell you; I think I stayed there until the 1st of September, then I went back to Texas.
- Q How long did you stay in Texas? A At that time my case wasn't approved; then in 1898 my case was finally settled and to the best of my knowledge I came back to the Nation the first of June 1898.
- Q Are you sure it was June? A Yes sir I am sure it was in June; it was the fore part of June 1898; I can't say just

- exactly the day.
- Q Where have you lived since then? A I have lived in the Nation and in Texas; I lived in South McAlester in 1900 and then I went to Texas to send my children to school and then I returned to the Nation in the next Summer, but I couldn't say just what time.
- Q Where has been your home the past few years? A It has been in the Nation.
- Q When did you first acquire a home in the Nation? A I first acquired a home in June 1889.
- Q Did you acquire a home in the Nation at that time? A Yes sir.
- Q You stated you came back to the Nation in 1898: Did you have a home in the Nation between 1889 and 1898? A Yes sir I had.
- Q Do you say you have had a home in the Nation 18 years? A I acquired a home in the Nation in 1888.
- Q That is 16 years ago? A I mean in 1898 instead of 1888 I was mistaken about that. I am mixed up on that date.
- Q What kind of a home did you have in the Nation at that time? A I had a right in the Chickasaw Nation; I had bought out a claim and paid for it.
- Q When did you buy that place; what year was it? A I don't know whether it was that year or the year before. When I was admitted I came up here to the Nation and bought us a home; I think it was in 1898 that I bought the claim.
- Q Where have these children been making their home? A With me.
- Q Willie B. Taylor and Sarah E. Taylor have been making their home with you have they? A Yes sir my children have been with me all the time.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A J. H. Taylor.
- Q Is he the father of these children? A Yes sir.
- Q Were both of these children born in Texas? A Yes sir/
- Q Who are the parents of Stephen A. Hale? A Malissa Hale and John Hale; Malissa Hale is a sister of mine.
- Q Where was Stephen A. Hale born? A In Texas.
- Q Is his mother living? A No sir she's dead.
- Q Where has Stephen A. Hale been making his home? A I could not tell you; just backwards and forwards; I haven't see the child for three or four years; he has been in the Nation part of the time and in Texas part of the time.
- Q Where does his father live? A In Texas.
- Q Does this boy make his home with his father? A No sir
- Q Where does he make his home? A He doesn't make his home anywhere; he just goes backwards and forwards: Part of the time he is in Texas and part of the time in the Nation.
- Q Did he ever have a home in the Chickasaw nation prior to September 25, 1902? A Yes sir he and his father lived here something over the year but I couldn't say what year it was; I think it was in 1899 or 1900.
- Q He and his father came to the Nation and stayed one year? A Yes sir.
- Q This boy's father lives in Texas does he not? A Yes sir he lives in Texas.

- Q He hasn't been adopted by any one has he? A No sir.
- Q Has he ever made his home with you? A No sir he has made his home with his grandmother for six months at a time.
- Q Is his grandmother living? A Yes sir.
- Q How old is Willie B. Taylor? A He is 18 years old the 12th day of last November.
- Q How old is Sarah E. Taylor? A She was 13 years old the 10th day of this December.
- Q Are both of these children living? A Yes sir.
- Q Where have they always lived? A They have always lived in the Territory with me except the few months I went back to Texas to send them to school

JAMES A. HUSBANDS

Being first duly sworn testified as follows:

BY THE COMMISSION.

- Q What is your name? A James A. Husbands.
- Q What relation are you to the applicant, Nancy H. Taylor? A Her father.
- Q Your wife is Frances E. Husbands? A Yes sir.
- Q And the mother of Nancy H. Taylor is she? A Yes sir.
- Q Do you know anything about the whereabouts of Nancy H. Taylor during the last ten or twelve years? A Ever since the year 1893 she has been in the Nation.
- Q Never been out of it since 1893? A Yes sir.
- Q Your daughter says she didn't live in the Territory until 1898? A Me and my family come here in 1893.
- Q When did Nancy Taylor come to the Nation? A They come here the next year; they come out to my house.
- Q What year was that? A That was in '94 and they remained there awhile and then in 1897 she bought a place and remained there.
- Q Do you know whether Nancy H. Taylor has been a bona fide resident of the Chickasaw Nation during the last 6 years? A Yes sir I do; I would consider it so; she come there and bought a place and has been receiving the rents off of it.
- Q Has she been living there? A She lived there until Judge McKennon told her she had the privilege of going to Texas to educate her children.
- Q Did she have her home there during that time? A Yes sir she has had a home there up to the present time.
- Q What do you know about Stephen A. Hale? A Well sir, I know him and his father came here in '97 and made a crop with me.
- Q Where has he been since then? A In the latter part of that year he went back to Texas and in '99 came back to Colbert and bought a place there and made a crop.
- Q The boy bought a place at that time? A His father bought it for him; bought it in his name.
- Q In the name of Stephen A. Hale? A Yes sir bought it in his name.
- Q Does Stephen A. Hale make his home with his father? A Yes

- Q sir at the present time.
- Q Always has hasn't he? A No sir he made a crop with me in 1902.
- Q How old is Stephen A. Hale? A He is about 19 years old.
- Q This boy makes his home with his father doesn't he? A Yes sir when he is at home.
- Q Has his father a permanent home in Texas? A No sir He hasn't for several years; he has been traveling between Texas and the Nation.
- Q Would you consider the home of John C. Hale the past 7 years as being in Texas? A I would the principal part of the time.
- Q He has been in Texas more than he has in the Nation? A Yes sir he has been in Texas more than he has in the Nation.
- Q Stephen A. Hale hasn't any home at all in the Chickasaw Nation has he? A No sir not at the present time; he bought a place there and sold it out and went back to Texas
- Q You say the boy is about 19 years old? A Yes sir.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 12th day of December 1904.

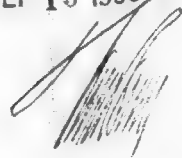
Charles J. Sawyer  
Notary Public.



4-5319

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

FILED  
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Commissioner.

6125-1

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for (the enrollment of Thomas J. Husbands, et al., and Nancy H. Taylor, et al., as citizens by blood of the Choctaw Nation. (

M O T I O N.

Come now the applicants herein, through their attorney, S. A. Apple of Ardmore, Indian Territory, and state:

That they are now in possession of a Judgment of the Commission to the Five Civilized Tribes rendered under the Act of Congress approved June 10, 1896 (29 Stat., 321) admitting them to citizenship in the Choctaw Nation as citizens by blood of said Nation.

That they have heretofore introduced before the Commission to the Five Civilized Tribes good and sufficient evidence establishing the fact that they removed to and in good faith settled in the Choctaw Nation, Indian Territory, prior to June 28, 1898, and that they were residents in good faith of said Nation on said date and thereafter.

WHEREFORE, applicants move the Honorable Commissioner to the Five Civilized that he render a decision in the matter of their application for enrollment upon the testimony and evidence now on file in his office in their cases, and that, following the ruling of the Honorable Secretary of the Interior in the Choctaw enrollment case of Caroline Cowling, et al., (I. T. D. 10910-1905), the applicants be enrolled as citizens by blood of the Choctaw Nation.

  
Attorney for the applicants.

Ardmore, I. T. September 8, 1906.

7-5319  
7-5318

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 21, 1907.

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In the matter of the application for the enrollment of  
Thomas J. Husbands, et al., as citizens by blood of the Choctaw  
Nation.

APPEARANCES: S. A. Apple, attorney at law, Ardmore, Indian Terri-  
tory, and Harry G. Davis, attorney at law, Muskogee,  
Indian Territory, appear on behalf of the appli-  
cants.

No appearance on behalf of the Choctaw and Chicka-  
saw Nations.

-----ooOoo-----

FRANCES ELIZABETH HUSBANDS, being first duly sworn, testified as  
follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A My name is Frances Elizabeth Husbands.  
Q How old are you, Mrs. Husbands? A I am seventy-three.  
Q What is your post office? A My post office is Roff, I. T.  
Q Are you the mother of Thomas J. Husbands? A I am, sir.  
Q Are you the mother of Nancy H. Taylor? A -I am, she is my baby.  
Q You were denied citizenship were you not by the Choctaw and  
Chickasaw Citizenship Court? A I was.

BY MR. APPLE:

If the Commissioner please, we want to object to the  
introduction of any testimony relative to that court judgment.

BY THE COMMISSIONER:

- Q You were an applicant before the Commission in 1896?  
A I was, sir; and put in application for all--- I have got two  
grand-daughters that went through.  
Q Your son, Thomas J. Husbands, and your daughter, Nancy H. Taylor,  
were also included in your petition before the Commission in '96,  
were they not? A They was in my petition.  
Q Where were you born, Mrs. Husbands? A I was born in Tennessee,  
raised in Mississippi.  
Q How long did you live in Tennessee? A I was small when---  
My father was a Tennessean; my mother was---

- Q Well, now, answer my question. How long did you live in Tennessee?  
A I don't know, sir; I was very small.
- Q What county in Tennessee were you born? A Lincoln County, I believe.
- Q When you removed from Lincoln County, where did you go?  
A To Mississippi.
- Q About how old were you at that time?  
A I was about seven or eight years old; my father died.
- Q What county in Mississippi did you remove to?  
A Moved to Desota County.
- Q How long did you live there? A I lived there until I was about twelve or thirteen year old.
- Q Then where did you go? A Marshall County.
- Q Mississippi? A Yes sir, the balance of my raising was there and I married there. You had my marriage certificate here once.
- Q How long did you live in Marshall County?  
A I couldn't tell you exactly; I was about nineteen I reckon when I married.
- Q Where did you go to from there? A We went from there to Clay County.
- Q What state? A Tennessee. My husband when we married he went there.
- Q How long did you live there? A Lived there three year.
- Q Then where did you go? A To Arkansas.
- Q How long did you live in Arkansas?  
A Lived there three, or about three; I don't know exactly.
- Q Then where did you go? A To Texas.
- Q How long did you live in Texas? A Well, I couldn't tell you.
- Q Where did you go to upon leaving Texas? A I come to this Territory.
- Q When did you come here? A Come here about fourteen year ago; twelve or fourteen, I won't say exactly.
- Q What is the name of your father? A My father's name is Daniel Benson.
- Q What is the name of your mother? A My mother was--- Were you asking me for her given name?
- Q What is the name of your mother? A My mother was Susan Heald before she married Benson.
- Q Did either of your parents possess any Choctaw blood?  
A My mother did; my mother was a half.
- Q Your father a white man? A Yes sir.
- Q What is the name of your mother's father? A My mother's father was Edward Heald; he died long before I knew him.
- Q What was the name of his wife? A His wife was Frances.
- Q What was her maiden name? A Cobb.
- Q Did either of them have any Choctaw blood? A My grandmother was a full blood.
- Q Did you ever see either your grandfather or grandmother?  
A I never seen my grandfather; he died long before I was born.
- Q Did you ever see your grandmother? A Yes sir.
- Q Where was she living at that time? A She was living in Marshall County, Mississippi.
- Q How old were you at the time you saw her? A I was about seven or eight years old.
- Q Where did your grandmother die? A She died in thirteen miles of the Territory.
- Q In what state? A In Texas, in Bowie County.
- Q In what year did she die? A I don't know, sir, what year she died.

BY MR. APPLE:

- Q Mrs. Husbands, how much Indian blood is your son, Tom, possessed of, Thomas J.? A Eighth.
- Q One eighth? A Yes sir.
- Q How much is Mrs. Taylor? A Eighth.
- Q Who were the two grandchildren you said went through?
- A Who was they?
- Q Yes? A Why, Florence L. Davenport and Frances L. Davenport.
- Q Do you mean that these two have been enrolled by the Commission?
- A Yes sir. They two has been enrolled and got their filing certificates and filed on all their land, and been using it now for two years, on my petition.
- Q Did these two grandchildren that were enrolled trace their Indian blood through the same source that Thomas J. does?
- A They trace it through me,
- Q Through you? A Yes sir.
- Q How long has Thomas J. lived in the Indian Territory?
- A He lived here about thirteen or fourteen years; I don't know exactly for I couldn't say how long it was.
- Q How long has Mrs. Taylor lived here? A Well, she lived here off and on for four or five years.
- Q Did she have a residence here in 1898? A Yes sir.
- Q In 1902? A She had a place here bought and paid for.
- Q Did she live here in 1902? A No sir. Yes, I reckon she did; I aint sure; I wouldn't say it positively, but I reckon she did.

BY THE COMMISSIONER:

- Q Are John M. and James Alexander and Sarah Malissa Husbands, children of Thomas J. Husbands, all living? A Yes sir.
- Q Are you acquainted with Stephen A. Hale?
- A I guess I am; he is my grandson, my daughter's child.
- Q What is your daughter's name? A My daughter's name was Sarah Malissa Hale; she is dead.
- Q When did she die? A She died in '80 or '90, maybe '90; I won't say exactly. He was only three or four years old when his mother died.
- Q What is the name of his father? A His father is John Hale.
- Q He is a white man? A Yes sir.
- Q Where does he live? A He lives in Texas.
- Q Where was Stephen born? A He was born in Texas.
- Q His mother and father were living in Texas when he was born?
- A Yes sir.
- Q Did Mr. Hale own a farm down there? A No sir, not as I know of.
- Q What does he do for a living? A Now, you must ask him.
- Q Where has Stephen A. lived since he was born? A He has lived two years down close to Colbert; I can't tell you exactly where.
- Q What years? A I don't know, sir.
- Q How old was he? A I never kept no count of it.
- Q How old was Stephen A. when he come down near Colbert?
- A He was ten or twelve years old, I reckon.
- Q And then he went back to Texas with his father? A His father sold him out and carried him back.
- Q When did he take him back? A Well, when he sold his place out.
- Q What was the date? A I do not know.
- Q Don't know the year? A I never kept no count of it, and my memory is not as good as it used to be.

- Q Well, since Stephen's father took him down there, has he lived there all the time? A No sir, he come back here; I think it was year before last, and made a crop here.
- Q When did he come back here? A In '97 or 8, I reckon; I don't know; couldn't say.
- Q Where is he living now? A He is in Texas.
- Q How long has he been living there? A I can't tell you; he is off and on here and there; I couldn't tell you.
- Q Malissa died before you made application to the Commission in '96, didn't she? A Yes sir, she died before---
- Q Was Stephen a petitioner to the Commission in '96; did you make an application for him? A Yes sir, he was a petitioner when I made mine to the Dawes.

BY MR. APPLE:

- Q Where does Stephen live now, Mrs. Husbands? Where does Stephen Hale live at present? A He lives near Greenville, Texas, but I don't know exactly.
- Q What is his age at present? A I think he is about twenty.
- Q About twenty? A Yes sir, I think that is his age; I wouldn't say.
- Q You made original application for him did you? A I did, sir.
- Q Was his mother living at that time? A No sir, his mother died when he was only three or four years old.
- Q Did he live with you? A No sir, he lived with his father.
- Q His father reared him did he? A His father came here and stayed a while and then he went backwards and forwards.
- Q Well, his father reared him, didn't he? A He was living the last time I heard of him.

(Witness excused.)

JAMES A. HUSBANDS, being first duly sworn, testified as follows:

BY MR. APPLE:

- Q What is your name? A James A. Husbands.
- Q Do you know Stephen Hale, an applicant for Choctaw enrollment? A Yes sir.
- Q Is he related to you? A Yes sir, he is a grandson.
- Q How old is Stephen Hale? A He is between twenty and twenty-one, I think; he may be twenty-one, but I wouldn't be positive.
- Q You don't know his birthday? A No, I don't recollect; I have got it down.
- Q What was his father's name? A John Hale.
- Q What is his mother's name? A Malissa Hale; Malissa Husbands is her maiden name.
- Q Is she dead or living? A She is dead.
- Q Do you know when she died; how old he was at the time of her death? A He was about four years old, I think, when she died.
- Q Did you or his father rear him? A Raised him up until he was about---up until '97; then in '97 he come here and stayed two years and made a crop with me.



- Q He was here then in the Choctaw Nation in '97 and '98?  
A '97 and '98 and also 1903.  
Q Does Stephen Hale claim Indian blood through his father or mother?  
A Through his grandmother.  
Q Then through his mother? A Through his mother and grandmother.  
Q His father is a white man? A Yes sir.  
Q Did his father ever make any application or attend to the application for the boy? A No sir, he never did.  
Q Who has had to see about it, or who has assumed the duty of looking after the boy's Indian rights? A I have; I put it in through his grandmother.  
Q Have you and your wife, Frances Elizabeth Husbands, been looking after his citizenship case? A Yes sir.  
Q Been representatives for it all through his minority?  
A Yes sir.  
Q Mr. Husbands, are you holding any lands?  
A No sir, I am not holding any lands at the present.  
Q Did you ever hold any property at all for Stephen Hale?  
A Yes sir.  
Q Disposed of his lands, have you? A Yes sir, disposed of the improvement.

(Witness excused.)

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BY THE COMMISSIONER: (Addressed to Mr. Apple and Mr. Davis)

- Q Have you any other testimony you desire to offer in support of the question whether or not these people are Choctaws by blood?  
A (By Mr. Apple): No, there are no other witnesses living by whom the fact of Indian blood in the applicants can be further established. I will say that the witnesses on whom we had depended have died. Their affidavits, however, were filed at one time in the application of Frances Elizabeth Husbands. We will have to ask the case to close on the record as now made up, because there is nothing further available.

(Case Closed.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 21st day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Subscribed and sworn to before me this 22nd day of January, 1907.

*W. P. Rasmussen*  
Notary Public.



7-5318  
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7-R- 722  
23- 406

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
NANCY H. TAYLOR, et al, as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1898, by Nancy H. Taylor for the enrollment of herself and her minor children Willie B. Taylor and Sarah E. Taylor as citizens by blood of the Choctaw Nation; that on the same date application was made by Frances E. Husbands to the Commission to the Five Civilized Tribes for the enrollment of Stephen A. Hale as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Husbands for the enrollment of himself and his minor daughter, Johnie M. Husbands, as citizens by blood of the Choctaw Nation; that on May 22, 1900, there was filed with said Commission written application for the enrollment of James Alexander Husbands, minor child of Thomas J. Husbands and Catherine J. Husbands, as a citizen by blood of the Choctaw Nation. Further proceedings were had in said cause at Muskogee, Indian Territory, on August 2, 1900, at which time application was made for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation; that on March 7, 1902, written application was filed for the enrollment of Sarah Malissa Husbands, minor child of Thomas J. Husbands and Catherine Husbands as a citizen by blood of the Choctaw Nation.

The record herein shows that the applicants Nancy H. Taylor and Thomas J. Husbands who were in 1898 thirty and thirty-five years of age respectively are the children of Frances E. Husbands and J. A. Husbands, a non-citizen; that the applicants Willie B. Taylor and Sarah E. Taylor are the minor children of the applicant, Nancy H. Taylor, and J. H. Taylor a non-citizen; that the applicant Catherine J. Husbands is the wife of Thomas J. Husbands, to whom she was lawfully married on October 21, 1897; that the applicants Johnie M. Husbands, James Alexander Husbands and Sarah Malissa Husbands are the minor children of the applicants Thomas J. Husbands and Catherine J. Husbands; that the applicant Stephen A. Hale is a son of Malissa Hale, deceased, who was a daughter of Frances E. Husbands, the father of said applicant being John C. Hale, a non-citizen.

On May 22, 1906, and June 27, 1906, respectively, there were received by the Commissioner to the Five Civilized Tribes

written application for the enrollment of Nancy Ellan Husbands, born February 23, 1906, and Frances E. Husbands, born February 4, 1904, minor children of Thomas J. Husbands and Catherine J. Husbands, as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137)

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission as citizens by blood of the Choctaw Nation, among others, of Frances Elizabeth Husbands and the applicants Thomas J. Husbands (as T. J. Husbands), Nancy H. Taylor (as Mrs. N. H. Taylor) Stephen A. Hale (as Stephen A. Hail), Willie B. Taylor (as W. B. Taylor) and Sarah E. Taylor (as S. E. Taylor). On December 8, 1896, said application was granted by the Commission and the applicants admitted as citizens by blood of the Choctaw Nation.

From this decision of the Commission appeal was taken to the United States Court for the Central District of Indian Territory on behalf of Frances E. Husbands only, her name being the only name mentioned in the appeal. On January 18, 1898, said court in the cases entitled "Frances Elizabeth Husbands vs. Choctaw Nation" sustained the decision of the Commission admitting Frances Elizabeth Husbands as a citizen by blood of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) for a trial de novo and on October 20, 1904, in the case entitled "Frances E. Husbands vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 132, Tishomingo Docket) said Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiff, Francis E. Husbands or Francis Elizabeth Husbands, be denied and that she be declared not a citizen of the Choctaw Nation and not entitled to enrollment as such citizen and not entitled to any rights whatever flowing therefrom".

It does not appear that any appeal was ever taken from the decision of the Commission as to the other applicants in said case.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens by blood of the Choctaw Nation by the tribal authorities of said Nation; their names cannot be identified on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein shows that the applicants herein who were living on June 28, 1898 were on said date residents in good faith of Indian Territory and that all of said applicants were living September 25, 1902.

I am, therefore, of the opinion that, in accordance with the opinion of the Attorney General for the United States dated February 19, 1907 in the matter of certain citizenship cases submitted to him for consideration by the Secretary of the Interior, the applicants, Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnnie M. Husbands, James Alexander Husbands and Sarah Malissa Husbands should be enrolled as

citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant Catherine J. Husbands should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the minor applicants, Nancy Ellan Husbands and Francis E. Husbands, should be enrolled as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

Muskogee, Indian Territory, August 19, 1902.

Nancy H. Taylor,

Hart, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 15th instant requesting information relative to your enrollment as a citizen of the Choctaw Nation.

In reply you are advised that it appears from the records of the Commission that on September 7, 1898, Nancy H. Taylor, age thirty years, and her two minor children, Willie B. and Sarah E. Taylor, eleven and six years of age respectively, were listed for enrollment by the Commission as citizens of the Choctaw Nation, having been admitted to such citizenship by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, Choctaw citizenship case No. 1358. No final action has been taken by the Commission in the case of these parties, but it is probable that the same will be taken up for consideration at an early date, at which time you will be advised of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choctaw 5172  
Choctaw 5318  
Choctaw 5319

Muskogee, Indian Territory, October 6, 1902.

George W. Brashears,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 30, asking if Mrs. Nancie A. Taylor and Thomas Husband are on the roll. You state that Thomas Husband and his mother are holding 3200 acres of land, and you wish to know how to obtain possession of sufficient land for the allotments of yourself and your family, and state that you have four in your family, and have now only one allotment.

In reply to your letter you are advised that it appears from our records that on September 7, 1898, Nancy H. Taylor and her two children were listed for enrollment as citizens of the Choctaw having been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in case Number 1300.

You are further advised that on the same day Thos. J. Husbands and his minor child Johnie M. Husbands were listed for enrollment, pursuant to a judgment of the Commission in Choctaw case Number 1392, admitting the said Thos. J. Husbands to citizenship in the Choctaw Nation, and since that time James A. Husbands and Sarah Melissa Husbands, his minor children, have been listed for enrollment.

G.W.B. 2

as citizens of the Choctaw Nation upon the presentation of proper evidence of their birth.

Relative to that part of your letter referring to the excessive holdings of certain citizens, your attention is invited to the following provision of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, which was ratified September 23, 1902:

"It shall be unlawful after ninety days after the date of the final ratification of this agreement for any member of the Choctaw or Chickasaw tribes to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more lands in value than that of three hundred and twenty acres of average allottable lands of the Choctaw and Chickasaw Nations, as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children if members of said tribes; and any member of said tribes found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor."

Respectfully ,

Acting Chairman.

Choctaw 5318

Muskogee, Indian Territory, November 17, 1902.

Mrs. Nancy Taylor,

Roff, Indian Territory .

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you refer to a letter of the Commission under date of August 19, 1902, relative to your enrollment as a citizen of the Choctaw Nation, and in which you desire to be advised if you are considered as a "court citizen".

As stated in our letter of August 19, 1902, it appears from our records that Nancy H. Taylor was on September 7, 1898, listed for enrollment by this Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896. Nancy H. Taylor was so admitted in the case of Francis E. Husbands, et al., which case was appealed to the United States Court in Indian Territory as to the principal applicant. No appeal was, however, taken as to Nancy H. Taylor and her name appears upon our records as listed for enrollment as a citizen of the Choctaw Nation by reason of her admission as such citizen by the Commission in 1896.

Respectfully,



Choctaw 1452  
Choctaw 6319

Muskogee, Indian Territory, December 17, 1902.

W. M. Edwards,

Delberg, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, in which you state that you are a full blood Choctaw Indian and bought a headright from the lesser and the improvements on it from the lessee, but that the United States Court in Pauls Valley, Indian Territory found a verdict against you for unlawful detainer in favor of T. H. Husbands, a court citizen. You ask to be advised when his claim will be acted upon.

In reply to your letter you are advised that it appears from our records that Thomas J. Husbands has been listed for enrollment as a citizen of the Choctaw Nation pursuant to a decision of this Commission admitting him to citizenship in said nation in Dawes Commission case Number 1358.

You are further advised that the Commission cannot at this time render any opinion relative to the rights of individuals to particular tracts of land in the Choctaw-Chickasaw country. Matters of this character will receive its consideration upon the establishment of land offices in the Choctaw and Chickasaw Nations for the purpose of allowing the citizens of these two tribes to file upon their

W.H.P. 2

prospective allotments.

The matter of the classification of the land described by you has been made the subject of another communication.

Respectfully,

Acting Chairman.

Choctaw 5319

Muskogee, Indian Territory, December 17, 1902.

T. J. Husbands,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, in which you ask if you are a "court citizen" or not, and in reply to your letter you are advised that it appears from our records that you were admitted to citizenship in the Choctaw Nation by this Commission in 1896, in Dawes Commission case number 1358; that appeal was taken by the Choctaw Nation from the said decision of the Commission against the principal applicant in this case, Frances E. Husbands, to the United States Court for the Central District of the Indian Territory, at South McAlester, which court sustained the decision of the Commission, in court case, (Citizenship Docket), number 199.

Respectfully,

Acting Chairman.

Choctaw 4448

" 5319

" 4335

" D- 728

Muskogee, Indian Territory, August 17, 1903.

B. C. Harbert,

Koff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, asking the status of the enrollment of A. D. Coon and his wife, Rhoda Coon, Anna Krebs, Maggie Glance and J. A. Husbands and wife, Husbands.

In reply to your letter you are informed that it appears from our records that Anna Krebs was admitted as an intermarried citizen of the Choctaw Nation by a judgment of the United States court for the southern district of Indian Territory rendered August 24, 1897, in court case (citizenship docket) number 60.

It further appears from our records that J. A. Husbands is the non-citizen husband of Frances E. Husbands who was admitted to citizenship in the Choctaw Nation by a judgment of the United States court in Indian Territory. Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making any allotment of lands in the Choctaw and Chickasaw Nations to persons whose citizenship in said Nations is dependent upon judgments of the United States court in Indian Territory,

D C H 2

until their right to such citizenship is finally determined.

It further appears from our records that Alvy Coon, husband of Rhoda Coon, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and his final right to such enrollment has not yet been determined.

It also appears that Rhoda Coon has been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and on March 6, 1903 her enrollment was approved by the Secretary of the Interior.

You are further advised that it appears from our records that Maggie Lee Glance was an applicant to this Commission for identification as a Mississippi Choctaw, and on February 7, 1903, the Commission rendered its decision refusing her application for the identification of herself and her minor children as Mississippi Choctaws, and on May 15, 1903, the Secretary of the Interior approved said decision of the Commission, of which departmental action Maggie Lee Glance was notified on July 2, 1903.

Respectfully,

Commissioner in Charge.

Choctaw 5319

Muskogee, Indian Territory, December 31, 1903.

Thomas J. Husbands,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of J. A. Husbands which is offered in support of the application of Thomas J. Husbands, et al. as citizens by blood of the Choctaw Nation, and the same has been filed with the record in that case.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 22, 1904.

Bingham & Apple,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 16, 1904, in which you state that the records of the enrollment division, at the Chickasaw Land Office do not show T. J. Husbands, Catherine J. Husbands, Johnnie M. Husbands, James A. Husbands and Sarah M. Husbands, are applicants for enrollment as citizens of the Ghooctaw Nation.

You state that other citizens have filed on the land claimed by T. J. Husbands and his family, and he now desires some sort of a certificate or a letter from the Commission showing his citizenship is pending, in order that he may file contest proceedings and thus save any rights he may have in the lands claimed by him.

In reply to your letter you are informed that it appears from our records that Thomas J. Husbands, his wife, Catherine J. Husbands, and his minor children, Johnnie M., James A. and Sarah Malissa Husbands are applicants to this Commission for enrollment as citizens of the Ghooctaw Nation, but their final right to such enrollment has not yet been determined.

Respectfully,

Commissioner in Charge.



Choctaw 5319

Muskogee, Indian Territory, June 1, 1904.

W. F. Dilbeck,

Dolberg, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 19, asking if the Commission has passed on the case of Thomas J. Husbands, and in reply you are advised that the Commission has not yet passed upon the application of Thomas J. Husbands for the enrollment of himself and his children as citizens of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw-4973.

Choctaw-5318.

Choctaw-5319.

Muskogee, Indian Territory, June 23, 1904.

Robert H. West,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16th in which you state that Frances Elizabeth Husbands, A. P. Mathews, Frances G. Mathews, Florence S. Blanton, T. J. Husbands, Stephen A. Hailo, Mrs. M. H. Taylor, W. B. Taylor and S. E. Taylor were all admitted by the Commission as Choctaws by blood in 1896, that the Choctaw Nation appealed only as to Frances Elizabeth Husbands and you ask to be advised if the other persons named by you have been enrolled. You also state that you would like to have a certified copy of the findings of the Commission in the case with the exact date thereof.

In reply to your letter, you are informed that Frances Davenport, formerly Frances Mathews, and her children and Florence S. Davenport, formerly Blanton, and her children have been enrolled by the Commission as citizens by blood of the Choctaw Nation and their enrollment as such approved by the Secretary of the Interior on May 9, 1904. You are further advised that the Commission has not yet passed upon the application of Thomas J. Husbands and Nancy H. Taylor for the enroll-

R.~~H~~W.--2.

ment of themselves and their children as citizens of the Choctaw Nation or upon the applications for the enrollment of Stephen A. Hale and Alexander P. Mathews as citizens of said nation. You are further informed that no formal decisions were rendered by the Commission in 1896 on the applications submitted under the provisions of the act of Congress approved June 10, 1896, and it is therefore impracticable to furnish you a certified copy of the decision in this case.

Respectfully,

Commissioner in Charge.

Choctaw 5319.

Muskogee, Indian Territory, July 11, 1904.

Thomas J. Husbands,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3rd, in which you ask if the enrollment of yourself and your family has been approved.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your children as citizens of the Choctaw Nation. As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw 5318

Muskogee, Indian Territory, August 17, 1904.

Mrs. Nancy H. Taylor,

Roff, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 9, asking the status of your case and stating that you have had valuable lands set aside as your allotment but the land office officials at Tishomingo have allowed your lands to be filed on by other persons.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation, and it is suggested that you forward, as early as possible, a certificate from the Clerk of the United States Court for the Central District of the Indian Territory to the effect that no appeal was taken to said United States Court for the Central District of the Indian Territory, as to you and the other members of your family who are not now parties applicants before the Citizenship Court, mentioning their names, and who are now applicants to the Commission for enrollment as citizens of the Choctaw Nation.

You are informed that if other persons have filed upon the lands on which you have improvements which you desire to select in allotment, you will be permitted to make application therefor, for the purpose of instituting contest, upon your personal appearance at

N H T 2

the Chickasaw Land Office within nine months from the date of the original application.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,  
COMMISSION OF THE FIVE CIVILIZED TRIBES.  
FILED

1894



C. S. CHAIRMAN.



DEPARTMENT OF JUSTICE  
**United States Court**  
in the  
**Indian Territory**  
E. J. FANNIN, CLERK. DISTRICT

South McAlester, I.T.

August 29th, 1904

John Casteel, Esq.,

Roff, I.T.

Dear Sir:-

In compliance with your request of the 27th, I herewith enclose you certified copy of the judgment in the case of Elizabeth E. Husbands, on appeal from the Dawes Commission to this court.

I am unable to send you the certificate desired, viz:- that Francis E. Husbands was the only one who took an appeal, for the reason that an appeal was taken from this court to the Citizenship Court, and all original papers went up with the case and <sup>are</sup> is now with them at Tishomingo.

Very Respectfully,

E. J. Fannin, Clerk

By J. M. Sledge Chief Deputy.

7-5318

Muskogee, Indian Territory, September 16, 1904.

Nancy H. Taylor,

Roff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 9, 1904 enclosing certified copy of order of the United States Court for the Central District, Indian Territory at South McAlester, Indian Territory, January 18, 1898 in the case of Francis Elizabeth Husbands vs. Choctaw Nation together with the letter from the clerk of said court relative thereto and the same have been duly filed with the records of the Commission in the matter of the application for the enrollment of yourself and family as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 5319

Muskogee, Indian Territory, September 26, 1904

Patchell & Henderson,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your two letters of September 15 and 17, 1904, relative to the status of the application of Thomas J. Husbands for enrollment as a citizen of the Choctaw Nation, in which you call attention to the fact that certain members of the family who were included in the application made for citizenship in 1896 in the same case have been enrolled and have already selected their allotments.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Thomas J. Husbands for enrollment as a citizen by blood of the Choctaw Nation, but if you will forward a certificate from the Clerk of the Choctaw and Chickasaw Citizenship Court to the effect that the case of Thomas J. Husbands is not pending before that court, and that the only person who appears as party litigant before the court in that case is Frances H. Husbands, the matter will receive consideration.

Respectfully,

7-5319

Muskogee, Indian Territory, September 29, 1904.

Thomas J. Husbands,

Dolberg, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 18th instant, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you request to be advised relative to the status of your application for enrollment as a citizen of the Choctaw Nation calling attention to the fact that certain members of the family who were included in the application made for citizenship in 1896 in the same case have been enrolled and have already selected their allotments.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Thomas J. Husbands for enrollment as a citizen by blood of the Choctaw Nation, but if you will forward a certificate from the clerk of the Choctaw and Chickasaw citizenship court to the effect that the case of Thomas J. Husbands is not pending before that court and that the only person who appears as party litigant before the court in that case is Frances E. Husbands, the matter will receive consideration.

Respectfully,

Chairman.

7-5319

Muskogee, Indian Territory, November 18, 1904.

Thomas J. Husbanda,

Dolberg, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 14, 1904, enclosing the certificate of the clerk of the Citizenship Court that the name of your mother Frances E. Husbanda is the only one included in the citizenship case as appealed to that court. This certificate is forwarded in support of your application for enrollment as a citizen of the Choctaw Nation, and the same has been filed with the record in your case.

Respectfully,

Chairman.

7-5318.

Muskogee, Indian Territory November 22, 1904.

Nancy H. Taylor,

Roff, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your two minor children, Willie B. Taylor and Sarah E. Taylor, and your nephew Stephen A. Hale as citizens by blood of the Choctaw Nation it will be necessary, before your rights as such citizens can be determined, for you to appear in person before the Commission at its office at Muskogee, Indian Territory for the purpose of testifying relative to your residence.

You should make this appearance as early as possible as until such testimony is given the Commission can not determine the rights of yourself and children as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 5319

Muskogee, Indian Territory, December 20, 1904.

S. A. Apple,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 16, asking that your name be entered as attorney of record in the citizenship case of Thomas J. Husbands, et al. so that you may be advised of the action of the Commission.

Your request has been made a matter of record.

Respectfully,

Chairman.



7-5319

Muskogee, Indian Territory, January 11, 1905.

Thomas J. Husbands,

Klondike, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 2, 1905, asking the status of your citizenship case, and advising of your change of address.

In reply to your letter you are informed that the Commission is now considering your application for the enrollment of yourself and your children as citizens of the Choctaw Nation, and as soon as a decision is reached therein you will be notified of the action taken.

Your change of address has been made a matter of record.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 21, 1905.

Patchell & Henderson,

Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 16, 1905, asking the status of Thomas J. Husbands for enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the application of Thomas J. Husbands for the enrollment of himself and his three children as citizens by blood of the Choctaw Nation and when a decision is reached in this case you and the applicant will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 1, 1905.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 18, 1905, in which you refer to our communication of February 15, 1905, advising your office that the Secretary of the Interior has affirmed decisions of the Commission denying the applications for enrollment of certain citizens of the Choctaw and Chickasaw Nations including Alexander P. Matthews on Choctaw card No. 5319. You advise that the name of Alexander P. Matthews appears upon your list of undetermined applicants for enrollment as a citizen of the Choctaw Nation on Choctaw card D 770, but his name does not appear as being listed on Choctaw card No. 5317. You request to be advised if the Alexander P. Matthews whose name appears on your undetermined list as being on Choctaw card D 770 is identical with the Alexander P. Matthews mentioned in our letter as appearing on Choctaw card No. 5319, and if you should cancel the name of Alexander P. Matthews on Choctaw card D 770.

In reply to your letter you are advised that the name of Alexander P. Matthews was on December 10, 1903, transferred from Choctaw card D 770 to Choctaw card 5319. You should therefore cancel the name of this person from your list of undetermined appli-

C. C. #2

cants for enrollment as citizens of the Choctaw Nation as he is  
identical with Alexander P. Matthews on Choctaw card No. 5319.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 22, 1905.

Thomas J. Husbands,

Klondike, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Nancy H. Taylor of March 4, 1905, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. You ask therein why your rights have not been passed upon and refer to certain members of your family who are already enrolled.

In reply to your letter you are informed that the Commission is now considering your application for enrollment as a citizen by blood of the Choctaw Nation and when a decision is reached in this case you will be notified of the action taken therein.

A letter has this day been addressed to Nancy H. Taylor at Dolberg, Indian Territory giving her information relative to her case.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 22, 1905.

Nancy H. Taylor,

Dolberg, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself and Thomas J. Husbands March 4, 1905, addressed to the Secretary of the Interior which has been by him referred to the Commission for consideration and appropriate action. Therein you ask why your case has not yet been determined and refer to certain members of your family who have already been enrolled and approved.

In reply to your letter you are informed that the Commission is now considering your application for enrollment as a citizen of the Choctaw Nation and when a decision is reached in this case you will be notified of the action taken.

Respectfully,

Chairman.

7-5319

Muskogee, Indian Territory, November 7, 1905.

Thomas J. Husbands,

Klondyke, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, 1905, asking the status of your citizenship case.

In reply to your letter you are advised that no decision has yet been reached in the matter of your application for the enrollment of yourself and your three minor children as citizens by blood of the Choctaw Nation. You will be notified of such action as is taken in this case.

Respectfully,

Commissioner.



7-5519

Muskogee, Indian Territory, May 31, 1906.

Thomas J. Husbands,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, 1906, in which you ask the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that your case is still under consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-5318  
7-5319

Muskogee, Indian Territory, June 18, 1906.

Apple & Franklin,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 4, 1906, asking the present status of the application of T. J. Husband and Nancy Taylor for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that no action has yet been taken in the matter of the application for the enrollment of said persons but you will be notified when decisions are reached therein.

Respectfully,

Commissioner.

7-5319

Muskogee, Indian Territory, September 14, 1906.

S. A. Apple,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 8, 1906, transmitting motion for decision in the cases of Thomas J. Husbands et al. and Nancy H. Taylor et al., applicants for enrollment as citizens of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

7-5319.

Muskogee, Indian Territory, January 12, 1907.

Thomas J. Husbands,

Dolberg, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, you are hereby notified that you, together with witnesses, should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, within ten days, and give testimony relative to your Choctaw blood.

Your attorneys, S. A. Apple, Ardmore, Indian Territory, and Patchell & Henderson, Pauls Valley, Indian Territory, have been sent similar notice.

Respectfully,

Commissioner.

7-5318.

Muskogee, Indian Territory, January 12, 1907.

Nancy H. Taylor,

Dolberg, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, you are hereby notified that you, together with witnesses, should appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, within ten days, and give testimony relative to your Choctaw blood.

Your attorney, S. A. Apple, Ardmore, Indian Territory, has been sent similar notice.

Respectfully,

Commissioner.

7-5318

COPY

Muskegee, Indian Territory, March 2, 1907.

Nancy H. Tayler,

Roff, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for your enrollment and for the enrollment of Willie B. Tayler, Sarah B. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands and Francis M. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that your name and the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of departmental action thereon.

Respectfully,

*James Bixby*

Commissioner.

Registered?  
Incl. 7-5318.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Patchell & Henderson,

Attorneys-at-law,

Pauls Valley, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.  
Inst. 2-2018.



7-5312

COPY

Muskogee, Indian Territory, March 2, 1907.

S. A. Apple,

Attorney-at-law,

Brdmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Tayler, Willie B. Tayler, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis M. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED

*Tammie H. Hobb*

Commissioner.

Registered.

7-5318

Muskogee, Indian Territory, March 2, 1907.

Harry G. Davis,  
Attorney-at-law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis K. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Robert H. West,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis M. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.

COPY  
Muskogee, Indian Territory, March 2, 1907.

Thomas J. Husbands,

Reff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for your enrollment and for the enrollment of Nancy E. Taylor, Willie E. Taylor, Sarah E. Taylor, Stephen A. Hale, John M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands and Francis E. Husbands as citizens by blood, and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that your name and the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.  
Incl. 7-5312.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw & Chickasaw Nations,  
South McAlester, Indian Territory

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for the enrollment of Nancy H. Tayler, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Nancy Ellen Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.  
Incl. 7-5318.

Choc 6083

Thomas J. Husbands

6083

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dec 10 1891

*W. H. H. H.*

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file with  
R 722  
7 5319



T. J. Husbands. } No 699  
v. }  
Alabama Husbands }

On This the 4<sup>th</sup> day of October 1897, this case came on to be heard, and plaintiff appeared in person and by Attorney, but defendant wholly made default, though cited to appear as the law directs, and the matters of law and fact being submitted to the Court, the Court is of the opinion that plaintiff ought to recover, It is therefore ordered, ~~and~~ adjudged and decreed by the Court that the Matrimonial Contract heretofore existing between plaintiff, T. J. Husbands and defendant Alabama Husbands by and is hereby dissolved and held for naught, and from this time hence they shall be separate, and distinct persons in law, and that said Marriage Contract heretofore existing shall from this time be dissolved and held for naught. It is further ordered by the Court that all costs incurred herein be taxed against the plaintiff and that Execution issue therefor, for the use of Officers of Court.

On this the 11th day of October  
1897, this case came on to  
be heard, and plaintiff  
appeared in person and by  
attorney, but defendant wholly  
made default, though cited to  
appear as the law directs, and  
the matter of law and fact  
being submitted to the Court,  
the Court is of the opinion  
that plaintiff ought to recover,  
it is therefore ordered ~~and~~  
adjudged and decreed by the Court  
that the Matrimonial Contract  
heretofore existing between  
plaintiff, T. J. Husbands and  
defendant Alabama Husbands  
be and is hereby dissolved and  
held for naught, and from this time  
hence they shall be separate and  
distinct persons in law, and that  
said marriage contract heretofore  
existing shall from this time be  
dissolved and held for naught.  
It is further ordered by the Court  
that all costs incurred herein be  
taxed against the plaintiff and  
that execution issue therefor for  
the use of Officers of Court.

2547—CERTIFICATE OF TRUE COPY OF PAPERS ON FILE—Class 1\*

Clarke & Curtis, Stationers, Printers, Lithographers, Galveston.

THE STATE OF TEXAS.

County of Taylor  
of the District Court of

I, W. J. Young Clerk  
County, Texas, do hereby certify that

the foregoing is a true and correct copy of the original Decree in Cause No 699  
T. J. Husbands vs Alabama Husbands as  
Officer of record in my office in said Court.

Given under my Hand and the Seal of said Court, at office in Abilene

this 1st day of Dec 1904

W. J. Young

Clerk

Deputy

## IN RE

Application for Enrollment of

INFANT CHILD

James Alexander Husbandas  
as a citizen of

Choctaw ..... Nation.

Approved Jun 23 1900

James Bixby  
Commissioner.

Filed  
May 22, 1900  
Commission to Five Tribes.

Choc. 5319

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of James Alexander born on the 22 day of April, 1900  
(Here insert name of child.)  
Name of Father: Thomas J. Husband a citizen of the Choctaw Nation.  
Name of Mother: Catharine J. Husband citizen of the \_\_\_\_\_ Nation.  
Post-office Hart, Ind. Terr.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Catharine J. Husband, on oath state that I am 24  
years of age and a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
that I am the lawful wife of Thomas J. Husband, who is a citizen, by  
blood, of the Choctaw Nation; that a male child was  
(male or female.)  
born to me on 22 day of April, 1900; that said child has been  
named James Alexander, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Catharine J. HusbandSealSubscribed and sworn to before me this 16 day of May, 1900.H. B. Webster  
NOTARY PUBLIC  
Hart, I. T.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Sam C. Davis, a Practicing Physician, on oath state that I  
attended on Mrs. C. J. Husband, wife of Thomas J. Husband  
on the 22 day of April, 1900; that there was born to her on  
said date a male child; that said child is now living and is said to have been  
(male or female.)  
named James Alexander.

WITNESSES TO MARK:

Sam C. Davis, M.D.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of May, 1900.H. B. Webster  
NOTARY PUBLIC  
Hart, I. T.

Choctaw 20 Indexed

IN RE

Application for Enrollment of

INFANT CHILD

*Sarah Malissa Husbands*  
as a citizen of

Choctaw Nation.

Approved *Mar 7* 1902,

*C. R. Breckinridge*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

*Mar 7 1902*

*[Signature]* acting  
CHAIRMAN.

*Choctaw*  
*5319*

## BIRTH AFFIDAVIT.

(Copy)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, N RE Application for Enrollment, as a citizen of the Chocktaw Nation,  
of Sarah Malissa Husbonds, born on the 5 day of Jan, 1902  
(Here insert name of child.)  
Name of Father Thomas J. Husbonds, a citizen of the Chocktaw Nation.  
Name of Mother Catherine J. Husbonds, citizen of the Chocktaw Nation.  
Post-office Dolburg, D. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Catherine J. Husbonds, on oath state that I am 26  
years of age and a citizen, by Marriage, of the Chocktaw Nation;  
that I am the lawful wife of Thomas J. Husbonds, who is a citizen, by  
Birth, of the Chocktaw Nation; that a female child was  
(male or female.)  
born to me on 5th day of January, 1902, that said child has been  
named Sarah Malissa Husbonds, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)Catherine J. Husbonds

Subscribed and sworn to before me this 1st day of March, 1902.

Com J. J. Hart

NOTARY PUBLIC

Com. Exp. Dec 10-1904.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, S. C. Davis, a M. D., on oath state that I  
attended on Mrs. Catherine J. Husbonds, wife of Thomas J. Husbonds  
on the 5th day of January, 1902; that there was born to her on  
said date a female child; that said child is now living and is said to have been  
(male or female.)  
named Sarah Malissa Husbonds.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)S. C. Davis, M. D.

Subscribed and sworn to before me this 1st day of March, 1902.

J. J. Hart

NOTARY PUBLIC

Com. Exp. Dec 10-1904.

IN RE  
Application for Enrollment of  
INFANT CHILD

*Johnny W. Husbands*  
as a citizen of  
*Choctaw* Nation.

Approved

1904

190

Commissioner.

proof of birth of child  
for whose enrollment  
application was made  
September 7, 1898

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C.

NOV 2 1904

7-5319



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Johnny M. Husband born on the 25<sup>th</sup> day of July, 1898  
(Here insert name of child.)  
Name of Father: Thomas J. Husbands a citizen of the Cherokee Nation.  
Name of Mother: Catherine J. Husbands citizen of the U. S. Nation.  
Postoffice Dillery Dist 16, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Catherine J. Husbands, on oath state that I am Twenty eight  
years of age and a citizen, by Birth of the U. S. Nation;  
that I am the lawful wife of Thomas J. Husbands, who is a citizen, by  
Birth of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 25<sup>th</sup> day of July, 1898; that said child has been named  
Johnny M. Husbands and is now living.

WITNESSES TO MARK :

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 25 day of November, 1907.

Mrs E W Westhoff  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Francis E Husbands, a midwife, on oath state that I  
attended on Mrs. Catherine J. Husbands, wife of Thomas J. Husbands  
on the 25<sup>th</sup> day of July, 1898 that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Johnny M. Husbands

WITNESSES TO MARK :

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 25<sup>th</sup> day of November, 1907.

Mrs E W Westhoff  
Notary Public.

(Copy)

7-4973

Choctaw Court Card C18

In Re Application of Frances E. Husbands, and others.

Sworn by Commissioner McKennon.

Frances E. Husbands says:

I was admitted to Choctaw citizenship by the U. S. Court. Stephen A. Hale is my grandson. He was admitted by the Dawes Commission. I live near Hart, Chickasaw Nation. I have been living in the Chickasaw Nation something over 6 years. I removed here from Texas Feb. 17th 1892. I had resided there since 1856.

Stephen A. Hale was born in Texas and lived there until March 1897. He came here to the Chickasaw Nation and went back to Texas last December and has not returned.

Stonewall, Sept. 7, 1898.

Frances E. Husbands  
Stephen A. Hale

enrolled

Copy

No 16

MARRIAGE LICENSE.

UNITED STATES OF AMERICA  
The Indian Territory  
Southern District.

SS TO ANY PERSON AUTHORIZED BY LAW TO  
SOLEMNIZE MARRIAGE, GETTING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr Thomas J. Husbands of Hart in the Indian Territory, aged 34 years, and Miss Catherine J. Law of Hart in the Indian Territory, aged 21 years according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official Seal this 20 day of Oct A.D. 1897

(Seal)

(Signed) C.M.Campbell

CLERK OF THE UNITED STATES COURT.

Certificate of Marriage.

UNITED STATES OF AMERICA  
The Indian Territory  
Southern District.

I M.H.Freeman a Minister Gos

DO HEREBY CERTIFY THAT ON THE 21 DAY OF Oct. A.D. 1897 I did duly and according to law, as commanded in the foregoing License solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 21 day of October A.D. 1897. My credentials are recorded in the office of the clerk of the United States Court, Indian Territory, Southern District at Ardmore Book A page 107.

(Signed ) M.H. Freeman a minister gos

NOTE This License and certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory from whence it was issued within sixty days from the date thereof or the party to whom the License was issued will be liable in the amount of One Hundred Dollars(\$100)

Endorsed on Back :Exhibit A. Certificate of Record of Marriage  
UNITED STATES OF AMERICA THE INDIAN TERRITORY SOUTHERN DISTRICT SET

I Joseph W. Phillips Clerk of the United States Court in the Territory and District aforesaid,

DO HEREBY CERTIFY that the License for and certificate of Marriage of Mr T. J. Husbands and M C J Law were filed in my office in said Territory and District the 27 day of Oct A.D. 1897 and duly recorded in Book C of Marriage Record page 161

WITNESS my hand and seal of said Court at Ardmore this 27 day of Oct A.D. 1897.

(Signed) C.M.Campbell  
JOSEPH W. PHILLIPS

By ----- Deputy.

Ardmoreite Steam Job Print.

FILED

OCT 27 1897 9 AM

C.M.CAMPBELL Clerk.

Choctaw Court Card C. 19

IN RE application of Thomas J. Husbands and others.

Sworn by Commissioner McKennon,

Thomas J. Husbands says:

I was admitted to Choctaw citizenship by the Dawes Commission, Case 1358. My little daughter Johnie M. was born July 25th 1898. Her mother is Catherine J. a non-citizen.

I now live near Hart, Chickasaw Nation. I came here from Texas in March 1892. I had lived there all my life. I have resided here continuously since the above named time.

Thomas J. Husbands  
Johnie M. Husbands

enrolled

C O P Y.

Choctaw Court Card C. 20  
In re application of Nancy H. Taylor and others.  
Sworn by Commissioner McKennon

Nancy H. Taylor says:

I am mother of Willie B. and Sarah E. Taylor admitted to Choctaw citizenship by the Dawes Commission case 1358. I live near Hart, Chickasaw Nation. I came to the Chickasaw Nation and remained nearly 2 months, and returned to Texas and remained until about 5th of June 1898., when I came here. On the 24th of June I returned to Texas and remained until the 27th of August 1898.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Ind. Ter., August 2, 1900.

In the Matter of the Application of Thomas J. :  
Husbands for the enrollment of himself and his :  
minor children Johnnie M. and James A., as cit- :  
izens by blood of the Choctaw Nation, and of :  
his wife, Catherine J. Husbands, as an inter- :  
married citizen of the Choctaw Nation. :  
-----:

Thomas J. Husbands, being first duly sworn, testified as fol-  
lows:

By the Commission:

- Q Please state your name? A Thomas J. Husbands.  
Q Where do you live? A Dolberg, Ind. Ter.  
Q Is Dolberg your postoffice address? A Yes sir.  
Q How old are you? A Thirty-seven years.  
Q You have heretofore appeared before the Commission and applied for the enrollment of yourself and daughter Johnnie M. as citizens by blood of the Choctaw Nation, have you not? A Yes sir.  
Q Where was that? A At Stonewall.  
Q What year? A '98. I reckon; two years ago this month.  
Q You now desire to apply also for the enrollment of your wife as an intermarried citizen of the Choctaw Nation, do you?  
A Yes sir.  
Q How long have you lived in the Choctaw or Chickasaw Nations?  
A Something over seven years; seven years last January.  
Q You have lived there continuously during all that time, have you?  
A Yes sir.  
Q Never have been out of the territory in that time? A No sir.  
Q What is the name of your wife for whom you make application?  
A Catherine J.  
Q What is her father's name? A James Law.  
Q Is he living? A Yes sir.  
Q Is he a white man? A Yes sir.  
Q Where does he live? A Dolberg.  
Q What is the name of your wife's mother? A I have forgotten her given name; I knew the name they called her.  
Q Was she a white woman? A Yes sir.  
Q You don't remember the name of her mother? A No, and she don't remember her name either. She is dead and died when my wife was an infant.  
Q You are sure she was a white woman? A She was a white woman, the best we know.  
Q Where were you married? A We were married near Hart, Chickasaw Nation.  
Q When? A In '97.  
Q What time in '97? A October 21.  
Q You make application for her enrollment as a Choctaw by intermarriage, do you? A Yes sir.  
Q Both of you were living in the Chickasaw Nation at the time of your marriage, were you? A Yes sir.



- Q Under what law were you married? A United States law.  
Q From whom did you procure your marriage license? A From the United States; from the Clerk of the U. S. court at Paul's Valley.  
Q Do you desire to offer in evidence at this time, your marriage license and certificate? A Yes sir.

Marriage license of Thomas H. Husbands and Miss Catherine J. Law, issued by C. M. Campbell, Clerk of the U. S. Court for the southern district of the Indian Territory on Oct. 20, 1897, and also certificate of marriage signed by M. H. Freeman, a minister of the gospel, offered in evidence, marked Exhibit A. and made a part of this record.

- Q This paper which you have just handed to me, and which is marked Exhibit A., is the document given you by the Clerk of the U. S. Court, to which you have just referred? A Yes sir.  
Q How old is your wife? A 24 years.  
Q What are the names and ages of your children, now living? A Johnnie E., 2 years, and James A., born the 22d of last May.  
Q The first named, Johnnie, is a daughter? A Yes sir.  
Q Have you ever appeared before the Commission before this time for the enrollment of your wife as an intermarried citizen? A No sir.  
Q Why didn't you do so prior to this time? A I didn't know that marriage by U. S. law gave her any right; I have been informed by the lawful authorities, that she was entitled to enrollment.  
Q You do not mean by any of the officers of the Commission? A No.  
Q You have been informed by outside parties that she was entitled to enrollment? A Yes, by citizens of the Chickasaw Nation, and of the Choctaw Nation.  
Q Have you ever been recognized by the tribal authorities as a citizen of the Choctaw Nation? A No, I don't know as I have.  
Q Does your name appear on the Choctaw tribal rolls, and of them?  
A Not that I know of; only the Commission roll, and the United States roll.

Rolls of the citizens of the Choctaw Nation prepared by the Choctaw tribal authorities in the year 1896 examined and the name of Thomas J. Husbands is not found therein.

- Q Did you make application in the year 1896 to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, for citizenship in the Choctaw Nation? A Yes sir.  
Q Do you remember the title of the case in which your name appeared?  
A Frances E. Husbands.  
Q Frances E. Husbands vs. the Choctaw Nation, is that correct?  
A Yes sir.

Record of Applications made to the Commission to the Five Civilized Tribes for the year 1896, for citizenship in the Choctaw Nation examined, and on page 426 thereof is found the case of Frances E. Husbands et al v. the Choctaw Nation, being No. 1358, filed Sept. 9, 1896. Answer filed. Frances Elizabeth Husbands, Frances G. Mathews, Florence S. Blanton, T. J. Husbands, Stephen A. Haile, Mrs. N. H. Taylor, W. B. Taylor and S. E. Taylor, all admitted as citizens by blood of the Choctaw Nation. The cause appealed by the Choctaw Nation as to Frances Elizabeth Husbands; no appeal as to the other persons hereinabove mentioned.

- Q You are the identical Thomas H. Husbands who was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the case which you have just heard read from the records of the Commission, are you? A Yes sir.  
Q Your mother's name is Frances E. Husbands, is it? A Yes sir.  
Q Your mother is the person referred to therein, as Frances E. Hus-



bands, is she? A Yes sir.

Q What is the name of your father? A James A. Husbands.

Q Is he a white man or a Choctaw? A A white man.

Q Your wife has never been recognized in any way by the tribal authorities as a Choctaw citizen, has she? A No sir.

Q Is there any additional statement in regard to this case that you desire to make at this time? A No sir.

Q Have you any additional papers you desire to file in connection with this application? A No sir.

Q You will be furnished at a later date with a copy of the decision of the Commission with relation to the application made by you at this time for the enrollment of your wife as an intermarried citizen of the Choctaw Nation, mailed to you at your present postoffice address.

-----g-----

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing is a true and complete translation of her shorthand notes in said case.

*Frances R. Brown*

Subscribed in my presence and sworn to before me this  
14th day of August, A. D., 1900.



Acting Chairman.

ent fact also no state

covered human intelligence

is the way collect:

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

903

Jointly selected

Indian Territory

of Cherokee blood, citizens of the United States, and as such entitled to the same rights and privileges as other citizens of the United States.

Thomas J. Harrison

Henry H. Taylor

William B. Taylor

Superior

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re application for the enrollment, as citizens by blood, of  
the Choctaw Nation, of Thomas J. Husbands; Nancy H. Taylor; Willie  
B. Taylor; Sarah E. Taylor; and Stephen A. Hale.

Indian Territory,  
Southern District.

I, J. A. Husbands, state on oath that the  
amount of Choctaw blood, claimed by the following named persons,  
as shown opposite their names herein, is true and correct:

Thomas J. Husbands	<u>one eighth</u>
Nancy H. Taylor	<u>one eighth</u>
Willie B. Taylor	<u>one sixteenth</u>
Sarah E. Taylor	<u>one sixteenth</u>
Stephen A. Hale	<u>one eighth</u>

I further state that these persons are citizens of the  
Choctaw Nation, by blood to the amount stated.

J. A. Husbands

Subscribed and sworn to before me this 28 day of December,  
1903.

Jno. Cassel  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
J. L. T. T. T.

NOV 18 1904

In the Choctaw and Chickasaw Citizenship Court, sitting at  
Tishomingo, in the Indian Territory,      October Term, 1904.

Francis E. Husbands,

vs.

No.130.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 20th day of October, 1904, this cause coming  
on for final decision, the same having ~~been~~<sup>been</sup> heretofore submitted  
upon the law and the evidence, and the Court being well and suf-  
ficiently advised in the premises, doth find that the plaintiff,  
Francis E. Husbands or Francis Elizabeth Husbands, is not en-  
titled to be deemed or declared a citizen of the Choctaw Nation,  
or to enrollment as such citizen, or to any rights whatever flow-  
ing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
petition of the plaintiff, Francis E. Husbands or Francis  
Elizabeth Husbands, be denied, and that she be declared not a  
citizen of the Choctaw Nation, and not entitled to enrollment  
as such citizen, and not entitled to any rights whatever flow-  
ing therefrom.

(Signed) Spencer B. Adams  
Chief Judge.

(Signed) Walter L. Weaver,  
Associate Judge.

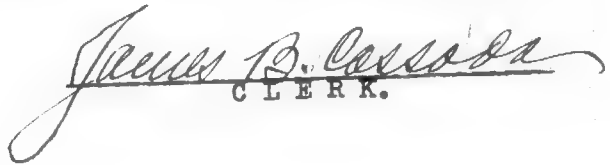
(Signed) H. S. Foote.  
Associate Judge.

CERTIFICATE OF CLERK.

I, James B. Cassada, Clerk of the Choctaw and Chickasaw Citizenship Court, do hereby certify that the foregoing is a true and correct copy of the decree in case #130 entitled Francis E. Husbands vs. Choctaw and Chickasaw Nations.

I further certify that there is no other name than the said Francis E. Husbands included in the said decree.

IN WITNESS WHEREOF I hereunto set my hand and seal of said court at Tishomingo, Indian Territory, on this 14th day of November, 1904.

  
CLERK.

7-R-722

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 28, 1904.

In the matter of the application of Catherine J.  
Husbands as a citizen by intermarriage of the Choctaw Nation,

-----

Catherine J. Husbands having been first duly sworn  
upon oath testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Catherine J. Husbands.  
Q What is your post office address? A Dolberg.  
Q In what Nation is that? A Chickasaw Nation.  
Q What was your mother's name? A Eliza Law.  
Q What was your father's name? A James Law.  
Q Your father and mother both white people? A Yes sir.  
Q Citizens of the United States? A Yes sir.  
Q You claim no rights as an Indian by blood do you? A No sir.  
Q On what do you base your rights? A By intermarriage.  
Q Through whom do you claim your rights? A Thomas J. Husbands.  
Q Is he a Choctaw by blood? A Yes sir.  
Q When were you married to Thomas J. Husbands? A October 21, 1897.  
Q By whom were you married? A Mr. Freeman, I don't know what his initials are.  
Q Was he a minister of the gospel? A Yes sir he was a minister.  
Q Where were you married? A At home near Dolberg.  
Q In the Choctaw Nation? A No sir in the Chickasaw Nation.  
Q You were married in the Chickasaw Nation? A Yes sir.  
Q Did you have a tribal license? A No sir.  
Q The only form of marriage that was performed between you and your husband, Thomas J. Husbands was under a United States license? A Yes sir.  
Q That was on October 21, 1897? A Yes sir.  
Q Was he your first husband? A Yes sir.  
Q Were you his first wife? A No sir.  
Q To whom was he married prior to his marriage to you? A He was married to Mr Blunt's daughter.  
Q Was she dead at the time you married Thomas J. Husbands?  
A Not that I knew of.



7-R-722-----2

- Q Where was Thomas J. Husbands residing at the time you were married to him? A Near Hart.
- Q In what Nation? A Chickasaw Nation.
- Q So at the time of his marriage to you, you were both residents of the Chickasaw Nation? A Yes sir.
- Q Have you and he lived together as husband and wife since that time? A Yes sir.
- Q Where? A In the Chickasaw Nation.
- Q Have you lived anywhere else than in the Chickasaw Nation since you were married? A No sir.
- Q Have always made you home in the Chickasaw Nation? A Yes sir.
- Q Has there been any abandonment, separation or divorce between you folks? A No sir.

The marriage license and certificate between Thomas J. Husbands and Catherine J. Husbands, (nee Law) is on file in Choctaw jacket number 5319.

Thomas J. Husbands through whom the applicant claims the right as a citizen by intermarriage of the Choctaw Nation is identified on Choctaw field card number 5319.

THOMAS J. HUSBANDS

Having been first duly sworn upon oath testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas J. Husbands.
- Q Are you an applicant before this Commission? A Yes sir.
- Q As a Choctaw by blood? A Yes sir.
- Q How old are you? A Forty two.
- Q What relation are you to the applicant, Catherine J. Husbands? A I'm her husband.
- Q When were you married to her? A On October 21, 1897.
- Q Were you married in the Chickasaw Nation? A Yes sir.
- Q By virtue of United States license? A Yes sir.
- Q You were never married in accordance with the tribal laws of either the Chickasaw or Choctaw Nations? A No sir, I asked for a Choctaw license but they wouldn't give it to me.
- Q Were you married prior to your marriage to Catherine J. Law? A Yes sir.
- Q How many times? A Once.
- Q To whom were you married prior to your marriage to Catherine J. Law? A Alabama Blunt.
- Q When were you married to her? A In '87.
- Q Where? A In Texas.
- Q How long did you live with her? A Two years.
- Q Then what took place? A We separated.
- Q Did you obtain a divorce from her? A Yes sir.

7-R-722----3

- Q In what Court? A In Taylor County Texas U. S. Court.  
Q When, about when? A About the year 1891 or '92; I couldn't be positive which now.  
Q Were you ever married to anyone else? A No sir.

In the matter of the application of your wife, Catherine J. Husbands, as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to furnish the Commission with a certified copy of the decree of divorce between yourself, Thomas J. Husbands, and your former wife Alabama Blunt.

- Q You were a resident of the Chickasaw Nation at the time you were married to Catherine J. Law? A Yes sir.  
Q How long had you been a resident of the Chickasaw Nation at the time you married her? A I had been a resident of the Chickasaw Nation four years.  
Q How long had your wife been living in the Chickasaw Nation, if at all, at the time you married her? A Near on to two years that I knew of.

CATHERINE J. HUSBANDS recalled  
testified as follows:

- Q Where were you living at the time of your marriage to Thomas J. Husbands? A Near Dolberg, in the Chickasaw Nation.  
Q How long had you been living in the Chickasaw Nation at the time you were married to Thomas J. Husbands? A I had been living in the Chickasaw Nation eight years.  
Q How old are you? A I'm 28 years old.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 28th day of  
November 1904.

J. H. Campbell  
Notary Public.

7-1358.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, DECEMBER 12, 1904.

In the matter of the application of Nancy H. Taylor, and her two minor children, Willie B. Taylor and Sarah E. Taylor, and her nephew, Stephen A. Hale, for enrollment as citizens by blood of the Choctaw Nation.

SUPPLEMENTAL TESTIMONY.

NANCY H. TAYLOR

Being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nancy H. Taylor.
- Q What is your post office address? A Roth, Indian Territory.
- Q How old are you? A I was 36 years old on the 30th day of this last June.
- Q What is your father's name? A J. A. Husbands.
- Q Is he a United States citizen? A Yes sir I suppose he is. He is no citizen here.
- Q What is your mother's name? A Frances Elizabeth Husbands.
- Q She was denied as a citizen of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court wasn't she? A Yes sir, my mother was.
- Q Did you apply in 1896? A Yes sir I think that is the date; if I am not mistaken that is the date.
- Q For whom did you apply at that time? A Myself and Willie B. Taylor and Sarah E. Taylor- my two children.
- Q Was application made for Stephen A. Hale at the time you were admitted? A Yes sir.
- Q Was an appeal ever taken? A There was an appeal taken against Frances E. Husbands but not them.
- Q Where were you born? A In Texas.
- Q When did you first come to the Indian territory? A Well now I could not exactly tell you; I think it was about 12 years ago this last May; about May 1892. It was either '92 or '93 I could not tell you exactly which.
- Q What part of the Territory did you come to? A I come to the Chickasaw Nation.
- Q How long did you remain there? A I couldn't exactly tell you; I think I stayed there until the 1st of September, then I went back to Texas.
- Q How long did you stay in Texas? A At that time my case wasn't approved; then in 1898 my case was finally settled and to the best of my knowledge I came back to the Nation the first of June 1898.
- Q Are you sure it was June? A Yes sir I am sure it was in June; it was the fore part of June 1898; I can't say just

- exactly the day.
- Q Where have you lived since then? A I have lived in the Nation and in Texas; I lived in South McAlester in 1900 and then I went to Texas to send my children to school and then I returned to the Nation in the next Summer, but I couldn't say just what time.
- Q Where has been your home the past few years? A It has been in the Nation.
- Q When did you first acquire a home in the Nation? A I first acquired a home in June 1889.
- Q Did you acquire a home in the Nation at that time? A Yes sir.
- Q You stated you came back to the Nation in 1898: Did you have a home in the Nation between 1889 and 1898? A Yes sir I had.
- Q Do you say you have had a home in the Nation 18 years?
- A I acquired a home in the Nation in 1888.
- Q That is 16 years ago? A I mean in 1898 instead of 1888 I was mistaken about that. I am mixed up on that date.
- Q What kind of a home did you have in the Nation at that time?
- A I had a right in the Chickasaw Nation; I had bought out a claim and paid for it.
- Q When did you buy that place; what year was it? A I don't know whether it was that year or the year before. When I was admitted I came up here to the Nation and bought us a home; I think it was in 1898 that I bought the claim.
- Q Where have these children been making their home? A With me.
- Q Willie B. Taylor and Sarah E. Taylor have been making their home with you have they? A Yes sir my children have been with me all the time.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A J. H. Taylor.
- Q Is he the father of these children? A Yes sir.
- Q Were both of these children born in Texas? A Yes sir/
- Q Who are the parents of Stephen A. Hale? A Malissa Hale and John Hale; Malissa Hale is a sister of mine.
- Q Where was Stephen A. Hale born? A In Texas.
- Q Is his mother living? A No sir she's dead.
- Q Where has Stephen A. Hale been making his home? A I could not tell you; just backwards and forwards; I haven't see the child for three or four years; he has been in the Nation part of the time and in Texas part of the time.
- Q Where does his father live? A In Texas.
- Q Does this boy make his home with his father? A No sir
- Q Where does he make his home? A He doesn't make his home anywhere; he just goes backwards and forwards: Part of the time he is in Texas and part of the time in the Nation.
- Q Did he ever have a home in the Chickasaw nation prior to September 25, 1902? A Yes sir he and his father lived here something over the year but I couldn't say what year it was; I think it was in 1899 or 1900.
- Q He and his father came to the Nation and stayed one year?
- Q Yes sir.
- Q This boy's father lives in Texas does he not? A Yes sir he lives in Texas.

- Q He hasn't been adopted by any one has he? A No sir.  
 Q Has he ever made his home with you? A No sir he has made his home with his grandmother for six months at a time.  
 Q Is his grandmother living? A Yes sir.  
 Q How old is Willie B. Taylor? A He is 18 years old the 12th day of last November.  
 Q How old is Sarah E. Taylor? A She was 13 years old the 10th day of this December.  
 Q Are both of these children living? A Yes sir.  
 Q Where have they always lived? A They have always lived in the Territory with me except the few months I went back to Texas to send them to school.

JAMES A. HUSBANDS

Being first duly sworn testified as follows:

BY THE COMMISSION.

- Q What is your name? A James A. Husbands.  
 Q What relation are you to the applicant, Nancy H. Taylor?  
 A Her father.  
 Q Your wife is Frances E. Husbands? A Yes sir.  
 Q And the mother of Nancy H. Taylor is she? A Yes sir.  
 Q Do you know anything about the whereabouts of Nancy H. Taylor during the last ten or twelve years? A Ever since the year 1893 she has been in the Nation.  
 Q Never been out of it since 1893? A Yes sir.  
 Q Your daughter says she didn't live in the Territory until 1898? A Me and my family come here in 1893.  
 Q When did Nancy Taylor come to the Nation? A They come here the next year; they come out to my house.  
 Q What year was that? A That was in '94 and they remained there awhile and then in 1897 she bought a place and remained there.  
 Q Do you know whether Nancy H. Taylor has been a bona fide resident of the Chickasaw Nation during the last 6 years?  
 A Yes sir I do; I would consider it so; she come there and bought a place and has been receiving the rents off of it.  
 Q Has she been living there? A She lived there until Judge McKennon told her she had the privilege of going to Texas to educate her children.  
 Q Did she have her home there during that time? A Yes sir she has had a home there up to the present time.  
 Q What do you know about Stephen A. Hale? A Well sir, I know him and his father came here in '97 and made a crop with me.  
 Q Where has he been since then? A In the latter part of that year he went back to Texas and in '99 came back to Colbert and bought a place there and made a crop.  
 Q The boy bought a place at that time? A His father bought it for him; bought it in his name.  
 Q In the name of Stephen A. Hale? A Yes sir bought it in his name.  
 Q Does Stephen A. Hale make his home with his father? A Yes

- sir at the present time.
- Q Always has hasn't he? A No sir he made a crop with me in 1902.
- Q How old is Stephen A. Hale? A He is about 19 years old.
- Q This boy makes his home with his father doesn't he? A Yes sir when he is at home.
- Q Has his father a permanent home in Texas? A No sir He hasn't for several years; he has been traveling between Texas and the Nation.
- Q Would you consider the home of John C. Hale the past 7 years as being in Texas? A I would the principal part of the time.
- Q He has been in Texas more than he has in the Nation? A
- A Yes sir he has been in Texas more than he has in the Nation.
- Q Stephen A. Hale hasn't any home at all in the Chickasaw Nation has he? A No sir not at the present time; he bought a place there and sold it out and went back to Texas
- Q You say the boy is about 19 years old? A Yes sir.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 12th day of December 1904.

Charles W. Arry  
Notary Public.



7-5319  
7-5318

Department of the Interior,  
Commissioner to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 21, 1907.

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In the matter of the application for the enrollment of  
Thomas J. Husbands, et al., as citizens by blood of the Choctaw  
Nation.

APPEARANCES: S. A. Apple, attorney at law, Ardmore, Indian Terri-  
tory, and Harry G. Davis, attorney at law, Muskogee,  
Indian Territory, appear on behalf of the appli-  
cants.

No appearance on behalf of the Choctaw and Chicka-  
saw Nations.

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FRANCES ELIZABETH HUSBANDS, being first duly sworn, testified as  
follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A My name is Frances Elizabeth Husbands.  
Q How old are you, Mrs. Husbands? A I am seventy-three.  
Q What is your post office? A My post office is Roff, I. T.  
Q Are you the mother of Thomas J. Husbands? A I am, sir.  
Q Are you the mother of Nancy H. Taylor? A I am, she is my baby.  
Q You were denied citizenship were you not by the Choctaw and  
Chickasaw Citizenship Court? A I was.

BY MR. APPLE:

If the Commissioner please, we want to object to the  
introduction of any testimony relative to that court judgment.

BY THE COMMISSIONER:

- Q You were an applicant before the Commission in 1896?  
A I was, sir; and put in application for all--- I have got two  
grand-daughters that went through.  
Q Your son, Thomas J. Husbands, and your daughter, Nancy H. Taylor,  
were also included in your petition before the Commission in '96,  
were they not? A They was in my petition.  
Q Where were you born, Mrs. Husbands? A I was born in Tennessee,  
raised in Mississippi.  
Q How long did you live in Tennessee? A I was small when---  
My father was a Tennessean; my mother was---



- Q Well, now, answer my question. How long did you live in Tennessee?  
A I don't know, sir; I was very small.  
Q What county in Tennessee were you born? A Lincoln County, I believe.  
Q When you removed from Lincoln County, where did you go?  
A To Mississippi.  
Q About how old were you at that time?  
A I was about seven or eight years old; my father died.  
Q What county in Mississippi did you remove to?  
A Moved to Desota County.  
Q How long did you live there? A I lived there until I was about twelve or thirteen year old.  
Q Then where did you go? A Marshall County.  
Q Mississippi? A Yes sir, the balance of my raising was there and I married there. You had my marriage certificate here once.  
Q How long did you live in Marshall County?  
A I couldn't tell you exactly; I was about nineteen I reckon when I married.  
Q Where did you go to from there? A We went from there to Clay County.  
Q What state? A Tennessee. My husband when we married he went there.  
Q How long did you live there? A Lived there three year.  
Q Then where did you go? A To Arkansas.  
Q How long did you live in Arkansas?  
A Lived there three, or about three; I don't know exactly.  
Q Then where did you go? A To Texas.  
Q How long did you live in Texas? A Well, I couldn't tell you.  
Q Where did you go to upon leaving Texas? A I come to this Territory.  
Q When did you come here? A Come here about fourteen year ago; twelve or fourteen, I won't say exactly.  
Q What is the name of your father? A My father's name is Daniel Benson.  
Q What is the name of your mother? A My mother was--- Were you asking me for her given name?  
Q What is the name of your mother? A My mother was Susan Heald before she married Benson.  
Q Did either of your parents possess any Choctaw blood?  
A My mother did; my mother was a half.  
Q Your father a white man? A Yes sir.  
Q What is the name of your mother's father? A My mother's father was Edward Heald; he died long before I knew him.  
Q What was the name of his wife? A His wife was Frances.  
Q What was her maiden name? A Cobb.  
Q Did either of them have any Choctaw blood? A My grandmother was a full blood.  
Q Did you ever see either your grandfather or grandmother?  
A I never seen my grandfather; he died long before I was born.  
Q Did you ever see your grandmother? A Yes sir.  
Q Where was she living at that time? A She was living in Marshall County, Mississippi.  
Q How old were you at the time you saw her? A I was about seven or eight years old.  
Q Where did your grandmother die? A She died in thirteen miles of the Territory.  
Q In what state? A In Texas, in Bowie County.  
Q In what year did she die? A I don't know, sir, what year she died.

BY MR. APPLE:

- Q Mrs. Husbands, how much Indian blood is your son, Tom, possessed of, Thomas J.? A Eighth.
- Q One eighth? A Yes sir.
- Q How much is Mrs. Taylor? A Eighth.
- Q Who were the two grandchildren you said went through?
- A Who was they?
- Q Yes? A Why, Florence L. Davenport and Frances L. Davenport.
- Q Do you mean that these two have been enrolled by the Commission?
- A Yes sir. They two has been enrolled and got their filing certificates and filed on all their land, and been using it now for two years, on my petition.
- Q Did these two grandchildren that were enrolled trace their Indian blood through the same source that Thomas J. does?
- A They trace it through me,
- Q Through you? A Yes sir.
- Q How long has Thomas J. lived in the Indian Territory?
- A He lived here about thirteen or fourteen years; I don't know exactly for I couldn't say how long it was.
- Q How long has Mrs. Taylor lived here? A Well, she lived here off and on for four or five years.
- Q Did she have a residence here in 1898? A Yes sir.
- Q In 1902? A She had a place here bought and paid for.
- Q Did she live here in 1902? A No sir. Yes, I reckon she did; I aint sure; I wouldn't say it positively, but I reckon she did.

BY THE COMMISSIONER:

- Q Are John M. and James Alexander and Sarah Malissa Husbands, children of Thomas J. Husbands, all living? A Yes sir.
- Q Are you acquainted with Stephen A. Hale?
- A I guess I am; he is my grandson, my daughter's child.
- Q What is your daughter's name? A My daughter's name was Sarah Malissa Hale; she is dead.
- Q When did she die? A She died in '80 or '90, maybe '90; I won't say exactly. He was only three or four years old when his mother died.
- Q What is the name of his father? A His father is John Hale.
- Q He is a white man? A Yes sir.
- Q Where does he live? A He lives in Texas.
- Q Where was Stephen born? A He was born in Texas.
- Q His mother and father were living in Texas when he was born?
- A Yes sir.
- Q Did Mr. Hale own a farm down there? A No sir, not as I know of.
- Q What does he do for a living? A Now, you must ask him.
- Q Where has Stephen A. lived since he was born? A He has lived two years down close to Colbert; I can't tell you exactly where.
- Q What years? A I don't know, sir.
- Q How old was he? A I never kept no count of it.
- Q How old was Stephen A. when he come down near Colbert?
- A He was ten or twelve years old, I reckon.
- Q And then he went back to Texas with his father? A His father sold him out and carried him back.
- Q When did he take him back? A Well, when he sold his place out.
- Q What was the date? A I do not know.
- Q Don't know the year? A I never kept no count of it, and my memory is not as good as it used to be.

- Q Well, since Stephen's father took him down there, has he lived there all the time? A No sir, he come back here; I think it was year before last, and made a crop here.
- Q When did he come back here? A In '97 or 8, I reckon; I don't know; couldn't say.
- Q Where is he living now? A He is in Texas.
- Q How long has he been living there? A I can't tell you; he is off and on here and there; I couldn't tell you.
- Q Malissa died before you made application to the Commission in '96, didn't she? A Yes sir, she died before---
- Q Was Stephen a petitioner to the Commission in '96; did you make an application for him? A Yes sir, he was a petitioner when I made mine to the Dawes.

BY MR. APPLE:

- Q Where does Stephen live now, Mrs. Husbands? Where does Stephen Hale live at present? A He lives near Greenville, Texas, but I don't know exactly.
- Q What is his age at present? A I think he is about twenty.
- Q About twenty? A Yes sir, I think that is his age; I wouldn't say.
- Q You made original application for him did you? A I did, sir.
- Q Was his mother living at that time? A No sir, his mother died when he was only three or four years old.
- Q Did he live with you? A No sir, he lived with his father.
- Q His father reared him did he? A His father came here and stayed a while and then he went backwards and forwards.
- Q Well, his father reared him, didn't he? A He was living the last time I heard of him.

(Witness excused.)

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JAMES A. HUSBANDS, being first duly sworn, testified as follows:

BY MR. APPLE:

- Q What is your name? A James A. Husbands.
- Q Do you know Stephen Hale, an applicant for Choctaw enrollment? A Yes sir.
- Q Is he related to you? A Yes sir, he is a grandson.
- Q How old is Stephen Hale? A He is between twenty and twenty-one, I think; he may be twenty-one, but I wouldn't be positive.
- Q You don't know his birthday? A No, I don't recollect; I have got it down.
- Q What was his father's name? A John Hale.
- Q What is his mother's name? A Malissa Hale; Malissa Husbands is her maiden name.
- Q Is she dead or living? A She is dead.
- Q Do you know when she died; how old he was at the time of her death? A He was about four years old, I think, when she died.
- Q Did you or his father rear him? A Raised him up until he was about---up until '97; then in '97 he come here and stayed two years and made a crop with me.

- Q He was here then in the Choctaw Nation in '97 and '98?  
A '97 and '98 and also 1903.  
Q Does Stephen Hale claim Indian blood through his father or mother?  
A Through his grandmother.  
Q Then through his mother? A Through his mother and grandmother.  
Q His father is a white man? A Yes sir.  
Q Did his father ever make any application or attend to the application for the boy? A No sir, he never did.  
Q Who has had to see about it, or who has assumed the duty of looking after the boy's Indian rights? A I have; I put it in through his grandmother.  
Q Have you and your wife, Frances Elizabeth Husbands, been looking after his citizenship case? A Yes sir.  
Q Been representatives for it all through his minority?  
A Yes sir.  
Q Mr. Husbands, are you holding any lands?  
A No sir, I am not holding any lands at the present.  
Q Did you ever hold any property at all for Stephen Hale?  
A Yes sir.  
Q Disposed of his lands, have you? A Yes sir, disposed of the improvement.

(Witness excused.)

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BY THE COMMISSIONER: (Addressed to Mr. Apple and Mr. Davis)

- Q Have you any other testimony you desire to offer in support of the question whether or not these people are Choctaws by blood?  
A (By Mr. Apple): No, there are no other witnesses living by whom the fact of Indian blood in the applicants can be further established. I will say that the witnesses on whom we had depended have died. Their affidavits, however, were filed at one time in the application of Frances Elizabeth Husbands. We will have to ask the case to close on the record as now made up, because there is nothing further available.

(Case Closed.)

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Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 21st day of January, 1907, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

*Lenora B. Ashton*

Subscribed and sworn to before me this 22nd day of January, 1907.

*B. P. R. Adams*  
Notary Public.

7-5318  
5319  
4973  
7-R- 722  
23- 406

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
NANCY H. TAYLOR, et al, as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1898, by Nancy H. Taylor for the enrollment of herself and her minor children Willie B. Taylor and Sarah E. Taylor as citizens by blood of the Choctaw Nation; that on the same date application was made by Frances E. Husbands to the Commission to the Five Civilized Tribes for the enrollment of Stephen A. Hale as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Husbands for the enrollment of himself and his minor daughter, Johnie M. Husbands, as citizens by blood of the Choctaw Nation; that on May 22, 1900, there was filed with said Commission written application for the enrollment of James Alexander Husbands, minor child of Thomas J. Husbands and Catherine J. Husbands, as a citizen by blood of the Choctaw Nation. Further proceedings were had in said cause at Muskogee, Indian Territory, on August 2, 1900, at which time application was made for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation; that on March 7, 1902, written application was filed for the enrollment of Sarah Malissa Husbands, minor child of Thomas J. Husbands and Catherine Husbands as a citizen by blood of the Choctaw Nation.

The record herein shows that the applicants Nancy H. Taylor and Thomas J. Husbands who were in 1898 thirty and thirty-five years of age respectively are the children of Frances E. Husbands and J. A. Husbands, a non-citizen; that the applicants Willie B. Taylor and Sarah E. Taylor are the minor children of the applicant, Nancy H. Taylor, and J. H. Taylor a non-citizen; that the applicant Catherine J. Husbands is the wife of Thomas J. Husbands, to whom she was lawfully married on October 21, 1897; that the applicants Johnie M. Husbands, James Alexander Husbands and Sarah Malissa Husbands are the minor children of the applicants Thomas J. Husbands and Catherine J. Husbands; that the applicant Stephen A. Hale is a son of Malissa Hale, deceased, who was a daughter of Frances E. Husbands, the father of said applicant being John C. Hale, a non-citizen.

On May 22, 1906, and June 27, 1906, respectively, there were received by the Commissioner to the Five Civilized Tribes



written application for the enrollment of Nancy Ellen Husbands, born February 23, 1906, and Frances E. Husbands, born February 4, 1904, minor children of Thomas J. Husbands and Catherine J. Husbands, as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137)

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission as citizens by blood of the Choctaw Nation, among others, of Frances Elizabeth Husbands and the applicants Thomas J. Husbands (as T. J. Husbands), Nancy H. Taylor (as Mrs. N. H. Taylor) Stephen A. Hale (as Stephen A. Hail), Willie B. Taylor (as W. B. Taylor) and Sarah E. Taylor (as S. E. Taylor). On December 8, 1896, said application was granted by the Commission and the applicants admitted as citizens by blood of the Choctaw Nation.

From this decision of the Commission appeal was taken to the United States Court for the Central District of Indian Territory on behalf of Frances E. Husbands only, her name being the only name mentioned in the appeal. On January 18, 1898, said court in the cases entitled "Frances Elizabeth Husbands vs. Choctaw Nation" sustained the decision of the Commission admitting Frances Elizabeth Husbands as a citizen by blood of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) for a trial de novo and on October 20, 1904, in the case entitled "Frances E. Husbands vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 132, Tishomingo Docket) said Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiff, Francis E. Husbands or Frances Elizabeth Husbands, be denied and that she be declared not a citizen of the Choctaw Nation and not entitled to enrollment as such citizen and not entitled to any rights whatever flowing therefrom".

It does not appear that any appeal was ever taken from the decision of the Commission as to the other applicants in said case.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens by blood of the Choctaw Nation by the tribal authorities of said Nation; their names cannot be identified on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein shows that the applicants herein who were living on June 28, 1898 were on said date residents in good faith of Indian Territory and that all of said applicants were living September 25, 1902.

I am, therefore, of the opinion that, in accordance with the opinion of the Attorney General for the United States dated February 19, 1907 in the matter of certain citizenship cases submitted to him for consideration by the Secretary of the Interior, the applicants, Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnnie M. Husbands, James Alexander Husbands and Sarah Malissa Husbands should be enrolled as

citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant Catherine J. Husbands should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the minor applicants, Nancy Ellen Husbands and Francis E. Husbands, should be enrolled as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

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Muskogee, Indian Territory, August 24, 1900.

Mr. Thomas J. Husbands,  
Dolberg, Indian Territory

Dear Sir:

The Commission is in receipt of your letter of the 18th instant in regard to the citizenship of your wife, Catherine J. Husbands, and in which you desire to be informed if she has been enrolled as a Choctaw citizen by this Commission. You also desire to be informed if the land office at Atoka will be opened September 1st, 1900.

You are informed that the records of the Commission show that you appeared and made application for your wife for enrollment as an intermarried citizen of the Choctaw Nation, August 2nd, 1900. The Commission has not as yet rendered a decision in her case but will do so some time within the near future, copy of which decision will be mailed to her at her present post-office address.

The contemplated opening of a land office at Atoka for the purpose of allowing citizens of the Choctaw and Chickasaw Nations to make their selections and file on their homestead allotments in either of those Nations, has been indefinitely postponed.

Yours truly,

Acting Chairman.

Choctaw 5519

Muskogee, Indian Territory, March 7, 1902.

Thomas J. Husbands,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Sarah Malissa Husbands, infant daughter of Thomas J. and Catherine J. Husbands born January 5, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-R-722.

Muskogee, Indian Territory November 22, 1904.

Catherine J. Husbands,

Dolbert, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation it will be necessary, before your right as such citizen can be determined for you to appear in person before the Commission at its office at Muskogee, Indian Territory for the purpose of testifying relative to your intermarried status on September 25, 1902.

You should make this appearance as soon as possible as until such testimony has been given the Commission can not determine your right to enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Chairman.

7-5319.

Muskogee, Indian Territory November 22, 1904.

Thomas J. Husbands,

Dolbert, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your daughter Johnie M. Husbands as a citizen by blood of the Choctaw Nation it will be necessary, before the rights of said child can be determined, for you to furnish the Commission with formal proof of birth of said child. There is inclosed herewith for that purpose a blank for proof of birth which you are requested to have filled out, properly executed and return to the Commission.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full and that the notary public, before whom the affidavits are acknowledged, affixes his name and seal to each separate affidavit. In case any signature is by mark it must be attested by two disinterested persons witnesses thereto.

You should give this matter your immediate attention as until the evidence of birth is received the Commission can not determine the right of Johnie M. Husbands to enrollment.

T J H--2.

as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

B C  
Env.

7-5319  
7-4973

Muskogee, Indian Territory, October 19, 1905.

Patchell & Henderson,  
Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 14, 1905, in which you state that you understand that Frances Elizabeth Husbands was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in 1896; that this case was appealed to the United States Court and from there to the Citizenship Court where Frances Elizabeth Husbands was denied, but that all the other parties to this case were not appealed to the United States Court; that you understand this office has been furnished with certified copies of both these judgments and you ask if the decision heretofore rendered by the Commission to the Five Civilized Tribes and confirmed by the United States Court should not be forwarded to the Secretary of the Interior for consideration. You state that you only represent Thomas J. Husbands and his children but understand that two of his sisters have been admitted and taken their allotments.

In reply to your letter you are advised that it

P & H #2

appears from the records of this office that appeal was taken from the action of the Commission to the Five Civilized Tribes in 1896 in this case only as to Frances E. Husbands leaving the decision to the Commission to the Five Civilized Tribes in effect as to the other persons included in the case.

This office has not yet, however, passed upon the final right to enrollment of Thomas J. Husbands and his minor children, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner.



7-5318  
7-5319

Muskogee, Indian Territory, June 18, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 4, 1906, asking the present status of the application of T. J. Husbands and Nancy Taylor for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that no action has yet been taken in the matter of the application for the enrollment of said persons but you will be notified when decisions are reached therein.

Respectfully,

Commissioner.

7-R-722

Muskogee, Indian Territory, September 29, 1906.

Catherine J. Husbands,

Roff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 20, 1906, stating that you are the wife of Thomas J. Husbands and asking if you can have land set aside for your homestead.

In reply to your letter you are advised that no action has yet been taken upon your application for enrollment as an intermarried citizen of the Choctaw Nation and no reservation of land can be made for you. However, if other persons have filed on land on which you own improvements which you desire to select in allotment, you will be permitted to make application therefor for the purpose of instituting contest at the Land Office for the nation in which said land is located.

Respectfully,

Commissioner.

7-5318

Muskogee, Indian Territory, March 2, 1907.

Nancy H. Taylor,

Roff, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for your enrollment and for the enrollment of Willie B. Taylor, Sarah B. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that your name and the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

*Jame Doby*

Commissioner.

Registered?  
Incl. 7-5318.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Patchell & Henderson,

Attorneys-at-law,

Pauls Valley, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

S. A. Apple,

Attorney-at-law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis M. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

Commissioner.

Registered.

7-5312

COPI

Muskogee, Indian Territory, March 2, 1907.

Harry G. Davis,  
Attorney-at-law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Tayler, Willie B. Tayler, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Jame Dixby*

Commissioner.

Registered.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Robert H. West,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on February 27, 1907, rendered his decision granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands, and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.



7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Thomas J. Husbands,

Reff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for your enrollment and for the enrollment of Nancy H. Tayler, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Johnnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands, Nancy Ellen Husbands and Francis E. Husbands as citizens by blood, and for the enrollment of Catherine J. Husbands as a citizen by intermarriage, of the Choctaw Nation.

You are further advised that your name and the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

Registered.  
Incl. 7-5318.

7-5318

COPY

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, granting the application for the enrollment of Nancy H. Taylor, Willie B. Taylor, Sarah E. Taylor, Stephen A. Hale, Thomas J. Husbands, Nancy Ellen Husbands, Johnie M. Husbands, James Alexander Husbands, Sarah Malissa Husbands and Francis E. Husbands as citizens by blood and for the enrollment of Catherine J. Husbands as a citizen by intermarriage of the Choctaw nation.

You are further advised that the names of the persons granted in said decision have been placed upon schedules of citizens by blood and citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action thereon.

Respectfully,

SIGNED *Tamc Dixby*

Commissioner.

Registered.  
Incl. 7-5318.

Choc 6084

Olive B. Critz

6084

Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.,

In the application of Olive B. Gritz and family for enrollment as Choctaws; being sworn and examined by Genl. McKenney and stated:

Q What is your name? A Olive B. Gritz.

Q How old are you? A Twenty-two.

Q You were admitted to citizenship in the Choctaw Nation by the name of Olive Belinda Smith by Act of Council approved October 20th 1877; have you lived all the while in the Choctaw Nation since this time? A No sir, I was living here in 1889 and I went to Fort Smith to the schools, and I finished my education there, and I have not lived here since.

Q You say you were living here in 1889, how long did you live here then? A I suppose I was here about six months.

Q That's all you ever resided in the Choctaw Nation?

A Yes sir, I have been there before, but not as my residence; but I came here then as my residence.

Q Were you then living with your mother and father? A I was living with my mother, my father never lived in the Choctaw Nation; he was a white man.

Q Were they separated? A No sir.

Q How was it your mother was living here and your father in Fort Smith? A We sold our home there and came out here and were living with our grandmother; papa's business was so that he couldn't leave it.

Q Did you keep house here? A We did with my grandmother.

Q Was her home here? A Yes sir.

Q Were you living with her in her home? A Yes sir.

Q You didn't establish your home and a house of your own, separate as a family? A No sir.

Olive B. Crits et al vs)

Q You say you went back, your mother went back, and the residence of the family was there in Port Smith after you went back there?

A Yes sir.

-----

Department of the Interior,  
Comptroller to the Five Civilized Tribes.  
I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. D. Green*

*IN RE*

Application for Enrollment of  
INFANT CHILD

Elizabeth E. Critz  
as a citizen of

Choctaw

Nation.

Approved

190

*Commissioner.*

---



(C O P Y) DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Elizabeth E. Critz, born on the 30 day of June, 1898  
(Here insert name of child.)  
Name of Father: J. D. Critz a citizen of the \_\_\_\_\_ Nation.  
Name of Mother: Olive B. Critz (nee Smith) a citizen of the Choctaw Nation.  
Post-office Ft. Smith, Ark.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
\_\_\_\_\_ District.

I, Olive B. Critz (nee Smith), on oath state that I am 22  
years of age and a citizen, by blood and adoption, of the Choctaw Nation;  
that I am the lawful wife of J. D. Critz, who is a citizen, by  
\_\_\_\_\_, of the \_\_\_\_\_ Nation; that a girl child was  
(male or female.)  
born to me on 30 day of June, 1898; that said child has been  
named Elizabeth E. Critz, and is now living.

WITNESSES TO MARK:

Olive B. Critz (nee Smith)

(Must be Two  
Witnesses.)Subscribed and sworn to before me this 27 day of Sept, 1899 ~~1898~~

Andrew S. Doud

NOTARY PUBLIC.

My Commission expires Feb'y 12th, 1902.

SEAL

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
\_\_\_\_\_ District,

I, John C. Amie, a Physician, on oath state that I  
attended on Mrs. Olive B. Critz (nee Smith), wife of J. D. Critz  
on the 30<sup>th</sup> day of June, 1898; that there was born to her on  
said date a girl child; that said child is now living and is said to have been  
(male or female.)  
named Elizabeth E. Critz.

WITNESSES TO MARK:

John C. Amie

(Must be Two  
Witnesses.)Subscribed and sworn to before me this 27 day of September, 1899, ~~1898~~

SEAL

My commission expires Feb'y 12th, 1902.

Andrew S. Doud

NOTARY PUBLIC.



( COPY )

COMMISSIONERS

HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-503.

Muskogee, Indian Territory, March 4, 1902.

Olive B. Critz,

Ft. Smith, Arkansas.

You are hereby notified that the application of yourself and your minor child, Elizabeth E. Critz, for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register

Commissioner in Charge.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 12, 1902.

.....  
:: In the matter of the application ::  
:: of Olive B. Critz for the enrollment ::  
:: of herself and her minor child, Eliza- ::  
:: beth E. Critz as citizens by blood of ::  
:: the Choctaw nation. ::  
.....

D-503.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Olive B. Critz for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----;-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

*Clara M. Wood*  
Notary Public.

COPY.

Kuskegee, Indian Territory, January 21, 1903.

In the matter of the application of  
Olive B. Critz for the enrollment of  
herself and her minor child, Elizabeth B.  
Critz, as citizens by blood of the  
Choctaw Nation.

Olive B. Critz,

Ft. Smith, Arkansas.

You are hereby notified that you will be  
allowed thirty days from the date hereof to submit to this Commission  
an affidavit, corroborated by two witnesses, showing that you and  
your minor child are entitled to be identified as Mississipp  
Choctaws under the act of Congress approved June 28, 1898, which  
provides as follows:

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation concluded Sep-  
tember twenty-seventh, eighteen hundred and thirty, and  
to that end may administer oaths, examine witnesses, and  
perform all other acts necessary thereto, and make report  
to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the  
corroborating witnesses, and must set forth the fact that you  
are a descendant of Choctaw Indians who resided in the State of

Olive B Critt - 2

Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

(SIGNED):

*T. B. Needles.*

Commissioner in Charge.

Registered.

1  
LGD.

7 D 503 -

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Olive B. Critz and Elizabeth E. Critz as citizens by blood of the  
Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that Olive B. Critz appeared before the Commission at South Canadian, Indian Territory, on September 15, 1899, and made personal application for the enrollment of herself and her minor child, Elizabeth E. Critz, as citizens by blood of the Choctaw Nation, satisfactory proof of the birth of said child, Elizabeth E. Critz, being filed with the Commission on September 27, 1899.

It further appears from the evidence submitted and the records in the possession of the Commission that the principal applicant herein, Olive B. Critz, was admitted to Choctaw citizenship by an act of the General Council of said Nation on October 20, 1877, under the name of Olive Belinda Smith; that she is married to J. B. Critz, a non-citizen white man; and that the minor applicant, Elizabeth E. Critz is the offspring of said union.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of the principal applicant, Olive B. Critz (as Olla B. Smith), is identified on the 1896 Choctaw census roll, Tobuckey County, number 11316. The minor applicant, Elizabeth E. Critz, was born subsequent to the preparation of said roll, and there is attached hereto satisfactory evidence of her birth to the said Olive B. Critz on June 30, 1898.

It further appears from the evidence submitted that said applicants were not residents in good faith of Indian Territory on June 28, 1898; but that the principal applicant has made her home continuously in the State of Arkansas since the year 1889, and that the minor applicant, Elizabeth E. Critz, was born in said State and has never been a resident of Indian Territory.

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws under the following provision of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant herein was on January 21, 1903, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed for herself and her minor child the right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in

Olive B. Critz, et al., &


this case. No response to said notice has been made by or on behalf of the applicants.

It is, therefore, the opinion of this Commission that the application for the enrollment of Olive B. Critz and Elisabeth B. Critz as citizens by blood of the Choctaw Nation should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
COMMISSIONER.

  
COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

COPY.

Choctaw J-503

Muskogee, Indian Territory, March 26, 1903.

Olive B. Critz,

Fort Smith, Arkansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your minor child, Elizabeth E. Critz as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

*James D. Doby.*

Chairman.

Registered.

Enc. NEW 9.



COPY.

Choctaw D-503

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Olive B. Critz and her minor child, Elizabeth E. Critz as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

*Tamm Dixby.*

Chairman.

Enc. NEW 10.

COPY.

Muskogee, Indian Territory, March 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Olive B. Critz for the enrollment of herself and her minor child, Elisabeth E. Critz, as citizens of the Choctaw Nation, including the decision of the Commission dated March 26, 1903, denying said application.

Respectfully,

(SIGNED).

*Tamm Dixby.*  
Chairman.

2 inclosures: Choctaw D-503.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, April 28, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There was received from the Department, on April 24, 1903, joint affidavit of Elmer Terrell and G. W. Smith, in the matter of the application of Olive Belinda Critz, et al. for enrollment as citizens by blood of the Choctaw Nation, for consideration and appropriate action.

On March 26, 1903, the Commission rendered its decision refusing the application of Olive B. Critz for the enrollment of herself and her daughter, Elizabeth E. Critz, as citizens by blood of the Choctaw Nation, and on the same date the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior for review.

The joint affidavit of Elmer Terrell and G. W. Smith is therefore herewith transmitted for consideration in connection with the original record in the matter of the application of Olive B. Critz, et al. for enrollment as citizens by blood of the Choctaw Nation.

Respectfully,

Choctaw H 803  
Through the Commissioner

(COPY)

D.C. 15845-1903

J.P.

I.T.D. 4370-L903

PHE

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 23, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 9, 1903, the Acting Commissioner of Indian Affairs submitted the case involving the application of Olive B. Critz for the enrollment of herself and minor child, Elizabeth E. Critz, as citizens of the Choctaw Nation, and recommended that your decision of March 26, 1903, rejecting the application be affirmed.

The principal applicant was admitted to citizenship in said Nation in 1877. Her name appears upon the 1896 Choctaw census roll. She is married to a non-citizen, a white man. Elizabeth E. Critz was born in Arkansas, June 30, 1898.

It appears that the principal applicant was in the Choctaw Nation about six months in 1889, but has made her home in Arkansas since that time.

The Indian Office considered, in connection with this matter, an affidavit by Elmer Terrell and G. W. Smith. It is stated in that affidavit that the principal applicant "has land holding in the Chickasaw Nation which she has had for many years."

-2-

The Acting Commissioner considers that the evidence clearly shows that the applicants have never been bona fide residents of the Choctaw Nation.

Concurring in the recommendation of the Acting Commissioner, your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

(COPY)

Land.  
20,276-1903.  
27,958-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 9, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Olive B. Critz for the enrollment of herself and her minor child, Elizabeth E. Critz as citizens by blood of the Choctaw Nation.

On March 26, 1903, the commission rendered a decision in said case finding that the applicant made personal application for the enrollment of herself and child before the Commission on September 15, 1899; that it appears from the evidence submitted and the records in the possession of the commission that said Olive B. Critz was admitted to Choctaw citizenship by act of the general council of said nation in October 20, 1877, under the name of Olive Belinda Smith; that she is married to J. B. Critz a non-citizen and a white man, and that the minor applicant, Elizabeth E. Critz, is the offspring of said union; that the name of Olive B. Critz (as Olla B. Smith) is identified on the 1896 Choctaw census roll, Tebuckey County, NO. 11,516; that the minor applicant was born subsequent to the preparation of said roll and that there is

attached to the record evidence satisfactory evidence of her birth to the said Olive B. Critz on June 30, 1898; that if further appears from the evidence submitted that said applicants were not residents in good faith of the Indian Territory on June 28, 1898, but that the principal applicant has made her home continuously in the State of Arkansas since the year 1889, and that the minor applicant, Elizabeth H. Critz, was born in said State and has never been a resident of the Indian Territory.

By reason of the premises the commission finds that the application for the enrollment of Olive B. Critz and Elizabeth H. Critz as citizens by blood of the Choctaw Nation should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495).

An examination of the record evidence by the office together with an examination of the joint affidavit of Elmer Terrell and G. W. Smith, which was transmitted to the office by the Commission to the Five Civilized Tribes with its letter of Transmittal of April 28, 1903, shows such a state of facts as warrants the office in recommending that the decision of the commission be affirmed by the Department. The evidence of the principal applicant clearly shows that she has never been a bona fide resident of the Choctaw Nation, and that part of the Act of Congress of June 28, 1898 (30 Stats., 495), providing that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship is applicable in this case, and the fact that the affidavit of Terrell and Smith shows that the principal



-3-

applicant still has land under her control in the Choctaw Nation does not in this instance avail her anything as against said provision of said Act of 1898.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

COPY.

Choctaw-D-503

Muskogee, Indian Territory, June 3, 1903.

Olive B. Critz,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 23, 1903, affirmed the decision of this Commission, dated March 26, 1903, refusing the application made by you for the enrollment of yourself and your minor child, Elizabeth E. Critz, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.

Choctaw-D-503

COPY.

Muskogee, Indian Territory, June 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 23, 1903, affirmed the decision of this Commission, dated March 26, 1903, refusing the application made by Olive B. Critz, for the enrollment of herself and her minor child, Elizabeth H. Critz, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.

Muskogee, Indian Territory, August 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Olive B. Critz for the enrollment of herself and her minor child Elizabeth B. Critz as citizens by blood of the Choctaw Nation and on May 2, 1903 (I.T.D. 4370-1903) this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith for the consideration of the Department, petition filed by Bond & Melton, Attorneys at Law, Chickasha, Indian Territory, June 18, 1906, for rehearing and review of this case.

I have to report that Olive B. Critz is a daughter of George W. and Mary E. Smith, whose case was returned by the Secretary of the Interior for further hearing March 13, 1906 (I.T.D. 11612-1904, 1277-1906). Further hearing was had in this case on April 18, 1906 and June 5, 1906, a decision was rendered adhering to the decision of the Commission to the Five Civilized Tribes of October 15, 1904, denying the applicants and this case is now pending before the Department.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
Choctaw D 503.

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ollive Balinda Critz, nee Smith, and her minor child Elizabeth Critz, for citizenship in the Choctaw Nation by blood.

APPLICATION FOR RE-HEARING AND RE-VIEW:

Comes now Ollive Balinda Critz nee Smith, and respectfully represents to the Commissioner, that she was admitted to citizenship by the Choctaw Council on the 22nd day of October, 1877, and that her name appears on the 1896 census roll, and that she was one of the applicants in the case of Mary E. Smith, et al. that a new hearing was granted in said cause and testimony duly taken therein, before the Commissioner to the Five Civilized Tribes.

Your applicant further represents that she removed from the state of Arkansas to the Choctaw Nation prior to June 30th, 1898 and had her rights in said Territory before said date, and that lands were segregated for her prior to said date and improvements placed thereon.

Your applicant further represents that she continued to hold and own land in said Choctaw Nation, Indian Territory, from the date of her removal thereto, until the year of 1904, and that subsequent to said year, she acquired lands in the Chickasaw Nation near the City of Chickasha, Indian Territory, and continued to own and hold the same until they were selected in allotment by other parties.

Wherefore your applicant asks that she be granted a re-hearing and re-view in her citizenship case, and that the testimony taken in the case of Mary E. Smith, et al., be considered as the testimony in support of the contention of this applicant.

*Amos H. Melton*  
Attorney for Applicant.

# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

7-503-8-6



*[Handwritten signature]*

DEPARTMENT OF THE  
Commissioner to the Five Civil Tribes

FILED

JUN 18 1906

*[Handwritten signature]*  
JUN 18 1906

*[Handwritten signature]*  
JUN 18 1906



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ollive Balinda Critz, nee Smith, and her minor Child Elizabeth Critz, for citizenship in the Choctaw Nation by blood.

APPLICATION FOR RE-HEARING AND RE-VIEW:

Comes now Ollive Balinda Critz nee Smith, and respectfully represents to the Commissioner, that she was admitted to citizenship by the Choctaw Council on the 22nd day of October, 1877, and that her name appears on the 1896 census roll, and that she was one of the applicants in the case of Mary E. Smith, et al. that a new hearing was granted in said cause and testimony duly taken therein, before the Commissioner to the Five Civilized Tribes.

Your applicant further represents that she removed from the state of Arkansas to the Choctaw Nation prior to June 28th, 1898 and had her rights in said Territory before said date, and that lands were segregated for her prior to said date and improvements placed thereon.

Your applicant further represents that she continued to hold and own land in said Choctaw Nation, Indian Territory, from the date of her removal thereto, until the year of 1904, and that subsequent to said year, she acquired lands in the Chickasaw Nation near the City of Chickasha, Indian Territory, and continued to own and hold the same until they were selected in allotment by other parties.

Wherefore your applicant asks that she be granted a re-hearing and re-view in her citizenship case, and that the testimony taken in the case of Mary E. Smith, et al., be considered as the testimony in support of the contention of this applicant.

*Bond & Melton*  
Attorneys for Applicant.

Ollive Belinda Critz, of lawful age, on her oath states that she is the applicant in the above and foregoing application for re-hearing and re-view, and that she has read the application above mentioned, and that the facts and allegations therein contained are true and correct to the best of her knowledge.

Ollive Belinda Critz  
Applicant

Subscribed and sworn to before me on this the 7 day of June, 1906

A. H. Remond  
Notary Public.

(Seal)

Reford Bond, of the Firm of Bond & Melton, of the City of Chickasha, Indian Territory, having first been duly sworn on his oath states, that he mailed to Wansfield-McMurray and Cornish, attorney's for the Chickasaw and Choctaw Nations, a copy of the above and foregoing brief, and that registry receipt hereto attached is the receipt received from the registration of said brief.

Reford Bond

Subscribed and sworn to before me on this the 7th day of June, 1906.

Adel Melton  
Notary Public.

(Seal)

D. C. 11890  
I.T.D. 4370-1903.  
17908-1906.  
2910-1907.

DIRECT.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

February 26, 1907.

GR.  
S.P.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In conformity with the approved opinion of the Assistant Attorney-General of February 9, 1907 (I. T. D. 2910-07), in the Choctaw enrolment case of George W. Smith, et al., the motion for a review of departmental decision of May 23, 1903 (I.T.D. 4370), denying the application of Olive B. Critz for the enrolment of herself and minor child Elizabeth E. Critz, as a citizen of the Choctaw Nation, is hereby granted, and departmental decision of that date is rescinded. It appearing that Olive B. Critz is a daughter of George W. Smith and Mary E. Smith, principal applicants embraced in the approved opinion cited above, and was admitted to citizenship of the Choctaw Nation by act of the Choctaw Council of October 20, 1877, under her maiden name of Olive Belinda Smith, her status appears analogous to applicants included in the above approved opinion.

You are directed to enroll Olive B. Critz and her minor child Elizabeth E. Critz, as citizens of the Choctaw Nation.

You will advise applicants and attorneys for moving parties of this action.

-2-

The record has this day been sent to the Indian Office  
for its files, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

8 inc. to Ind. Of.

AFMc.

2-27-07.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Olive B. Critz and Elizabeth E. Critz as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that Olive B. Critz appeared before the Commission at South Canadian, Indian Territory, on September 15, 1899, and made personal application for the enrollment of herself and her minor child, Elizabeth E. Critz, as citizens by blood of the Choctaw Nation, satisfactory proof of the birth of said child, Elizabeth E. Critz, being filed with the Commission on September 27, 1899.

It further appears from the evidence submitted and the records in the possession of the Commission that the principal applicant herein, Olive B. Critz, was admitted to Choctaw citizenship by an act of the General Council of said Nation on October 20, 1877, under the name of Olive Belinda Smith; that she is married to J. B. Critz, a non-citizen white man; and that the minor applicant, Elizabeth E. Critz is the offspring of said union.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of the principal applicant, Olive B. Critz (as Olla B. Smith), is identified on the 1896 Choctaw census roll, Tobuckey County, number 11316. The minor applicant, Elizabeth E. Critz, was born subsequent to the preparation of said roll, and there is attached hereto satisfactory evidence of her birth to the said Olive B. Critz on June 30, 1898.

It further appears from the evidence submitted that said applicants were not residents in good faith of Indian Territory on June 28, 1898; but that the principal applicant has made her home continuously in the State of Arkansas since the year 1889, and that the minor applicant, Elizabeth E. Critz, was born in said State and has never been a resident of Indian Territory.

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws under the following provision of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant herein was on January 21, 1903, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed for herself and her minor child the right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in

Olive B. Critz, et al., 2-

this case. No response to said notice has been made by or on behalf of the applicants.

It is, therefore, the opinion of this Commission that the application for the enrollment of Olive B. Critz and Elizabeth B. Critz as citizens by blood of the Choctaw Nation should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER.

(SIGNED)

*W. H. ...*

Muskogee, Indian Territory,

MAR 26 1903

Muscogee, Indian Territory,

August 18th, 1900.

Olive B. Critz,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Elizabeth E. Critz as citizens of the Choctaw Nation/

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman

7-D-503.



7-503

Muskogee, Indian Territory, August 21, 1906 .

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of motion for rehearing and review in the matter of the application of Olive Belinda Critz et al. to enrollment as citizens by blood of the Choctaw Nation and the same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

# MEMORANDA.

*all m c*

(Date) *Sept 15* 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

22 ✓ Wife's name, *Oliver B. Conity*

Choctaw? *yes* County *Taluksey* Year *96* No. *11316*

Chickasaw? ..... County ..... Year ..... Page *291*

Citizen by blood? *yes* Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

18 <sup>mm</sup> Names of children:

*Elizabeth E. Conity* County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

*Admitted by ... 15 ...*

*As to residence ...*

*Admitted by ...  
Oliver B. Conity ... with app Oct 20-99*

*2503*

Choc 6085

George Crawford

6085

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T. February 13, 1906.

In the matter of the alleged application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

The deceased applicant represented by Charles von Weise, Ardmore, Indian Territory.  
G. Rosenwinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By the Commissioner:

On what theory is it alleged that George Crawford is entitled to enrollment or that application was made for his enrollment?

By Mr. von Weise:

The attorney for the applicant contends that George Crawford is entitled to enrollment as a citizen of the Choctaw Nation by intermarriage, under and by virtue of Article 38 of the Treaty of 1866, which provides that any white person who shall marry a Choctaw or Chickasaw shall be entitled to all the rights and privileges and subject to all the duties of the native Choctaw or Chickasaw and that inasmuch as the said George Crawford was married to Talitha Crawford, who was a Choctaw by blood at the date of said marriage, that he is entitled to enrollment as a citizen by intermarriage regardless of the fact that the said Talitha Crawford was not placed upon the rolls until 1896, and for the further reason that the Commission to the Five Civilized Tribes was placed upon notice prior to December 24, 1902, of the claim of the said George W. Crawford to rights as a citizen by intermarriage of the Choctaw Nation, in a certificate filed with said Commission on August 9, 1902, in the matter of the death of John Henry Crawford, a citizen of the Choctaw Nation, wherein the said George W. Crawford claims that he is a citizen by intermarriage of the Choctaw Nation and which certificate reads as follows:

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the death of John Henry Crawford, a citizen of the Choctaw Nation, who formerly resided at or near Wade, Indian Territory, and died on the 3 day of March, 1902.

AFFIDAVIT OF RELATIVE

United States of America )  
Indian Territory )  
Central District. )

I, George Crawford, on oath state that I am 47 years of age and a citizen by marriage, of the Choctaw Nation; that my post-office address is Wade, Ind. Ter.; that I am the father of John Henry Crawford, who was a citizen by blood of the Choctaw Nation; and that said John Henry Crawford died on the 3 day of

March, 1902.

G. W. Crawford.

Subscribed and sworn to before me this 19 day of Aug 1902.  
J. N. Gryder. (Seal)

AFFIDAVIT OF ACQUAINTANCE.

United States of America )  
Indian Territory )  
Central District )

I, C. P. Middleton, on oath state that I am 31 years of age, and a citizen, by marriage, of the Choctaw Nation; that my postoffice address is Wade, Ind. Ter.; that I was personally acquainted with John Henry Crawford who was a citizen by blood of the Choctaw Nation; and that said John Henry Crawford died on the 3 day of March, 1902.

C. P. Middleton.

Subscribed and sworn to before me this 19 day of Aug, 1902.

J. N. Gryder,

Notary Public."

Endorsed on back as follows:

IN RE The death of John Henry Crawford, a citizen of the Choctaw Nation.

Approved Aug 22 1902, Tams Bixby, Commissioner.

Department of the Interior, Commission to the Five Civilized Tribes. Filed Aug 22 1902, Tams Bixby, Acting Chairman."

By the Commissioner:

It not being claimed or insisted by the attorney for the applicant that any formal application was made for the enrollment of George Crawford, a white man, as a citizen by inter-marriage of the Choctaw Nation within the time prescribed by the Act of Congress approved July 1, 1902, the Commissioner is of the opinion that he is without authority or jurisdiction to receive or consider any such application or testimony relative thereto.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Olga Petroff*

Subscribed and sworn to before me this 15<sup>th</sup> day of February, 1906.

*Myron White*  
Notary Public.

State of Arkansas )  
County of Polk )

I A P Alexander Clerk of the Circuit Court and Ex officio Clerk of the County Court and Recorder in and for the County of Polk and State of Arkansas do hereby Certify that I am by virtue of Law the Custodian of the Marriage Record of said County and that to my personal Knowledge the Records of said office have been burned two or three times since March 1872 and that there is now no Marriage Record in said office that dates back further than 1883 and that my supposition is that the Record of the Marriage of George Crawford and Talitha Morris were destroyed by fire in one of the aforesaid burns of said office

Witness my hand and the seal of said Court this the 25th day of August 1896

A P Alexander  
Clerk

-----

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

*Lenora B. Ashton*

Subscribed and sworn to before me this 7th day of March, 1906.

*Myron White*  
Notary Public.

State of Arkansas )  
County of Polk )

Be it Remembered that on this the 25th day of August 1896 personally appeared before me A P Alexander Clerk of the Circuit Court and Ex officio Clerk of the County Court and Recorder in and for the County of Polk and State of Arkansas Thomas J. Morris to me personally well known who made and Subscribed the following oath to wit I do swear that I was and am well and personally acquainted with George Crawford and his wife Talitha Crawford that the said Talitha Crawford is my sister and that I was Present at the marriage of her the said Talitha to the said George Crawford and that the said George Crawford and the said Talitha Crawford were married about the first days of March 1872 That her Maiden Name was Talitha Morris and that Jack Blackwell who was then acting as a Justice of the Peace of Polk County Arkansas performed the Matrimonial Services at said Marriage and further state that they lived together as husband and wife in said County within Three miles of myself for near Sixteen years and then moved to the Indian Territory and that I have not seen my sister since and have seen the said George Crawford twice while on a visit to the aforesaid County but have Kept up a Correspondence with them ever since they left this County

(Signed) Thomas J. Morris

Subscribed and sworn to before me this the day and year first above written

(SEAL)

(Signed) A P Alexander  
Clerk

-----  
Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

*Lenora B. Ashton*  
Subscribed and sworn to before me this 7th day of March, 1906.

*Myra White*  
Notary Public.



Memo.-203.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the alleged application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on February 13, 1906, Charles von Weise appeared before the Commissioner to the Five Civilized Tribes and presented evidence relative to an application alleged to have been made for the enrollment of George Crawford (now deceased) as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It is not claimed that any formal application has ever been made for the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation, but it is contended that the affidavit of the applicant filed with the Commission to the Five Civilized Tribes on August 22, 1902, in the matter of the death of John Henry Crawford, wherein the applicant stated that he was "the father of John Henry Crawford who was a citizen by blood of the Choctaw Nation", should be considered as a sufficient application for his enrollment.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, there was filed in the matter of the application for the admission of Talitha Crawford as a citizen by blood of the Choctaw Nation, the affidavit of Thomas J. Morris to the effect that he was present at the marriage of said Talitha Crawford to the applicant, George Crawford.

With the exception of the records above referred to, this office is not in possession of any record filed prior to December 1, 1905, having reference to the applicant, George Crawford.

I am of the opinion that the evidence fails to establish that application was made for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and that no authority exists for the receipt of any application for his enrollment as a citizen by intermarriage of the Choctaw Nation at this time, and I, therefore, decline to receive the same.

  
Commissioner.

Muskogee, Indian Territory,

SEP 22 1906

Before the Department of the Interior.

In re, Application for the enrollment of George Crawford as an inter-married citizen of the Choctaw Nation.

M O T I O N.

Comes now the applicant herein, through his counsel, Charles von Weise, and moves that the decision of the Commissioner refusing to consider said application, a copy of which is attached hereto and made a part hereof, be set aside and that said Commissioner be ordered and directed to entertain said application for the following reasons, to-wit:

First,- Because the Commission to the Five Civilized Tribes was put upon notice of the claim of the said George Crawford that he was an intermarried citizen of the Choctaw Nation, when there was filed with said Commission of December 9th 1902 a proof of the death of Tibitha Crawford, wife of the said George Crawford wherein he sworn that he was the husband of the said Tibitha Crawford and that he was a citizen by intermarriage of the Choctaw Nation

Second,- That had the Commissioner permitted proof to have been offered on February 13th 1906, the marriage of the said George Crawford to his Choctaw wife would have been shown to have taken place prior to the passage of the intermarriage law of the Choctaw Nation of November 9th 1875, and petitioner would clearly have been able to show that he was entitled to enrollment as an inter-married citizen of the Choctaw Nation.

In contending that the Commission was placed upon notice of the claim of George Crawford by the filing of the document referred to in reason No. 1, we respectfully direct your attention to the Departmental decision in the case of Ettie Turnbull, a Choctaw case, I.T.D. 11870-1904, wherein it was held that the filing of a birth certificate for the enrollment of an infant child of the said Ettie

Turnbull, wherein she stated that she was the mother of the said child was such an application as was "sufficient to answer the requirements of the act of July 1, 1902." Surely the sworn statement of George Crawford that he was an intermarried citizen of the Choctaw Nation in making proof of the death of his Choctaw wife is even greater notice to the Commission that he claimed to be entitled to rights as such intermarried citizen, than was the sworn statement of Ettie Turnbull that she was "the mother of the child for whom application is made" She might not have claimed intermarried rights, while George Crawford specifically makes the claim to such rights.

Wherefore, applicant moves that the Commissioner be directed to received the testimony to be offered by the petitioner and to adjudicate the case upon its merits.

Respectfully submitted,

Charles von Weise

Attorney for the petitioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T. February 13, 1906.

In the matter of the alleged application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

The deceased applicant represented by Charles von Weise, Ardmore, Indian Territory.

G. Rosenwinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By the Commissioner:

On what theory is it alleged that George Crawford is entitled to enrollment or that application was made for his enrollment?

By Mr. von Weise:

The attorney for the applicant contends that George Crawford is entitled to enrollment as a citizen of the Choctaw Nation by intermarriage, under and by virtue of Article 38 of the Treaty of 1866, which provides that any white person who shall marry a Choctaw or Chickasaw shall be entitled to all the rights and privileges and subject to all the duties of the native Choctaw or Chickasaw and that inasmuch as the said George Crawford was married to Talitha Crawford, who was a Choctaw by blood at the date of said marriage, that he is entitled to enrollment as a citizen by intermarriage regardless of the fact that the said Talitha Crawford was not placed upon the rolls until 1896, and for the further reason that the Commission to the Five Civilized Tribes was placed upon notice prior to December 24, 1902, of the claim of the said George W. Crawford to rights as a citizen by intermarriage of the Choctaw Nation, in a certificate filed with said Commission on August 9, 1902, in the matter of the death of John Henry Crawford, a citizen of the Choctaw Nation, wherein the said George W. Crawford claims that he is a citizen by intermarriage of the Choctaw Nation and which certificate reads as follows:

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the death of John Henry Crawford, a citizen of the Choctaw Nation, who formerly resided at or near Wade, Indian Territory, and died on the 3 day of March, 1902.

AFFIDAVIT OF RELATIVE

United States of America }  
Indian Territory }  
Central District. }

I, George Crawford, on oath state that I am 47 years of age and a citizen by marriage, of the Choctaw Nation; that my post-office address is Wade, Ind. Ter.; that I am the father of John Henry Crawford, who was a citizen by blood of the Choctaw Nation; and that said John Henry Crawford died on the 3 day of

March, 1902.

G. W. Crawford.

Subscribed and sworn to before me this 19 day of Aug 1902.

J. N. Gryder. (Seal)

AFFIDAVIT OF ACQUAINTANCE.

United States of America )  
Indian Territory )  
Central District )

I, C. P. Middleton, on oath state that I am 31 years of age, and a citizen, by marriage, of the Choctaw Nation; that my postoffice address is Wade, Ind. Ter.; that I was personally acquainted with John Henry Crawford who was a citizen by blood of the Choctaw Nation; and that said John Henry Crawford died on the 3 day of March, 1902.

G. P. Middleton.

Subscribed and sworn to before me this 19 day of Aug, 1902.

G. N. Gryder.

Notary Public."

Endorsed on back as follows:

IN RE The death of John Henry Crawford, a citizen of the Choctaw Nation.

Approved Aug 22 1902, Tams Bixby, Commissioner.

Department of the Interior, Commission to the Five Civilized Tribes. Filed Aug 22 1902, Tams Bixby, Acting Chairman."

By the Commissioner:

It not being claimed or insisted by the attorney for the applicant that any formal application was made for the enrollment of George Crawford, a white man, as a citizen by inter-marriage of the Choctaw Nation within the time prescribed by the Act of Congress approved July 1, 1902, the Commissioner is of the opinion that he is without authority or jurisdiction to receive or consider any such application or testimony relative thereto.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff.

Subscribed and sworn to before me this 15th day of February, 1906.

Myron White,  
Notary Public.

(SEAL)

J. F. Jr.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D. 5815-1906.  
D. C. 25601.

June 22, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith for report and recommendation  
a motion for review and rehearing in the matter of the application  
for enrollment of George Crawford as an intermarried citizen of  
the Choctaw Nation.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

Before the Department of the Interior.

In re, Application for the enrollment of George Crawford as an inter-married citizen of the Choctaw Nation.

M O T I O N.

Comes now the applicant herein, through his counsel, Charles von Weise, and moves that the decision of the Commissioner refusing to consider said application, a copy of which is attached hereto and made a part hereof, be set aside and that said Commissioner be ordered and directed to entertain said application for the following reasons, to-wit:

First,- Because the Commission to the Five Civilized Tribes was put upon notice of the claim of the said George Crawford that he was an intermarried citizen of the Choctaw Nation, when there was filed with said Commission of December 9th 1902 a proof of the death of Tibitha Crawford, wife of the said George Crawford wherein he sworn that he was the husband of the said Tibitha Crawford and that he was a citizen by intermarriage of the Choctaw Nation

Second,- That had the Commissioner permitted proof to have been offered on February 13th 1906, the marriage of the said George Crawford to his Choctaw wife would have been shown to have taken place prior to the passage of the intermarriage law of the Choctaw Nation of November 9th 1875, and petitioner would clearly have been able to show that he was entitled to enrollment as an inter-married citizen of the Choctaw Nation.

In contending that the Commission was placed upon notice of the claim of George Crawford by the filing of the document referred to in reason No. 1, we respectfully direct your attention to the Departmental decision in the case of Ettie Turnbull, a Choctaw case, I.T.D. 11870-1904, wherein it was held that the filing of a birth certificate for the enrollment of an infant child of the said Ettie



Turnbull, wherein she stated that she was the mother of the said child was such an application as was "sufficient to answer the requirements of the act of July 1, 1902." Surely the sworn statement of George Crawford that he was an intermarried citizen of the Choctaw Nation in making proof of the death of his Choctaw wife is even greater notice to the Commission that he claimed to be entitled to rights as such intermarried citizen, than was the sworn statement of Ettie Turnbull that she was "the mother of the child for whom application is made." She might not have claimed intermarried rights, while George Crawford specifically makes the claim to such rights.

Wherefore, applicant moves that the Commissioner be directed to receive the testimony to be offered by the petitioner and to adjudicate the case upon its merits.

Respectfully submitted,

Charles von Weise

Attorney for the petitioner.

COPY.

Wuskogee, Indian Territory, November 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 22, 1906, I transmitted the memorandum in the matter of the alleged application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation, with my order or decision of the same date declining to receive or consider the same for the reason that the evidence failed to establish that any application was made for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

I now have the honor to transmit herewith an appeal from my decision in this case, with brief and argument in support thereof, transmitted to this office by Charles von Weise, attorney at law, of Ardmore, Indian Territory, with his letter of October 9, 1906.

Mr. von Weise alleges error in my findings of September 22, 1906, in several particulars. His assignment of error and argument, however, seem to be based entirely upon the hypothesis that the case under consideration is identical with that of Ettie Turnbull, the

(2)

subject to Departmental letter of December 8, 1904 (I.T.D. 11870-1904).

The alleged brief and argument submitted by Mr. von Weise is not a legal discussion of the case, but is an unwarranted and uncalled for personal abuse of the Commissioner and the employees under his provision and direction.

Upon another occasion when an attorney attempted in a brief and argument to malign the integrity of this office, the Acting Commissioner of Indian Affairs, in his letter of July 22, 1905 (Land 41697, 51823, 55396, 55815-1905), in reference to Cherokee Allotment Contest No. 830, entitled Heady vs Bob, stated as follows:

'In connection with this decision, your attention is invited to the following statements in the brief filed before you by the attorneys for the contestant, to wit:

'But let's pursue the agents of the Delokee Oil Company a little further. These human sleuths, as it were, one upon either arm and the other to the back of this negro, proceeded to the land office at Tahlequah; their attorney, Mr. Veasey, had gone before to prepare a place for Thursday's safe-keeping through Charlie Crowder, at his sister's, Mrs. Frank Williams. Before their arrival in Tahlequah they had prepared a lease for Thursday to sign as guardian for Sam Bob,' etc.

The Commission would have been justified in refusing to consider the brief mentioned until the language quoted and other language therein of somewhat similar import, had been stricken therefrom.

In the brief of one of the attorneys for the contestee, concerning the appeal, the following language appears:

'On the whole we are forced to conclude that the responsibility for this decision does not rest upon the Commission to the Five Civilized Tribes. The sense of fairness possessed

and exercised by the gentlemen composing that body, in the ordinary discharge of their duties and their experience and insight into conditions and laws in the Cherokee Nation, make it impossible to charge this most extraordinary decision to them. Some irresponsible, and we have no hesitancy in saying, wholly incompetent, law clerk has imposed it upon them and in the pressure of affairs that they have given it their honorable sanction without due scrutiny.'

It was undoubtedly the intention of the attorney referred to, not to criticize the Commission, but to criticize the person who prepared the decision in this case for the signatures of the members of the Commission. The Commission and not the person who prepared the decision, is responsible for it, and such unjust and unwarranted criticisms of the Commission or of its employees, will not be tolerated, and had it not been that action on the case was made special before the Office was aware of the contents of the brief, it would have been separated from the record and returned, and would not have been considered until the objectionable language had been eliminated therefrom."

The abusive language used by Mr. vonWeise in his brief and argument, in my opinion, removes it from the pale of consideration by any judicial tribunal, and I have to respectfully recommend that the Department refuse to receive or file the same as part of the record in the matter of the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

The tenor of Mr. von Weise's motion is sufficient, in my opinion, to also justify the Department in notifying him that he will be given an opportunity to prove the insinuations and charges made by him against the conduct of this office, and in the event that he cannot substantiate the same that proceedings be

(4)

instituted looking toward his disbarment from practicing  
before the Department and this office, and I so recommend.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

OP 20-1.

Before the Honorable Secretary of the Interior,  
and the  
Honorable Commissioner of Indian Affairs.  
On Appeal.

In the matter of the alleged application for the enrollment of Geo. Crawford as a citizen by intermarriage of the Choctaw Nation.

A P P E A L .

Geo. is not George Crawford, the applicant herein, through Charles von Weise, his attorney, and appeals from the decision of the Commissioner to the Five Civilized Tribes rendered under date of September 28, 1906, and for ground of appeal urges the following specifications of error:

FIRST: The Commissioner erred in his finding of facts.

- (a) In finding that the only statement made by the applicant in the proof of death of John Henry Crawford was that he "was the father of John Henry Crawford, who was a citizen by blood of the Choctaw Nation."
- (b) In failing to find that in the affidavit made by the applicant in the matter of the proof of death of John Henry Crawford, that the applicant herein swore that he was "a citizen by marriage of the Choctaw Nation"
- (c) In failing to find that the records of the Commission to the Five Civilized Tribes discloses that there was filed with said Commission on December 9, 1902 an affidavit of petitioner George Crawford in the matter of the proof of death of Tibitha Crawford, wherein he swore on June 28, 1901 that he was a citizen by marriage of the Choctaw Nation and the husband of Tibitha Crawford a Choctaw by blood.
- (d) In finding that, <sup>with the exception of</sup> the affidavit of applicant in the matter of the proof of death of John Henry Crawford, and the affidavit of Thomas J. Morris to the effect that he was present at the marriage of Tabitha Crawford and George Crawford, ~~that the~~ Commissioner's office was not in possession of any record filed prior to December 1, 1905 having reference to the applicant George Crawford.

SECOND: The Commissioner erred in his conclusions of law.

- (a) In failing to be governed by the ruling of the Department of the Interior in the case of Ettie Turnbull (D.O. 48076-1904 & I.T.D. 11870-1904)

(b) In failing to find that the filing with the Commission to the Five Civilized Tribes on August 22, 1902 of the proof of death of John Henry Crawford, wherein petitioner swore that he was the father of the said John Henry Crawford, and a "citizen by marriage of the Choctaw Nation", was not sufficient notice to said Commission as to the claim of the petitioner herein to intermarriage rights in the Choctaw Nation to be considered as an application for enrollment as such under the provisions of the Act of Congress of April 26, 1906 (Public Law)

(c) In failing to find that the filing with the Commission to the Five Civilized Tribes on December 9, 1902 of the proof of the death of Tibitha Crawford, wherein petitioner swore that he was the husband of the said Tibitha Crawford and a citizen by marriage of the Choctaw Nation, was not sufficient notice to said Commission as to the claim of the petitioner herein to intermarriage rights in the Choctaw Nation to be considered as an application for enrollment as such under the provisions of the Act of Congress of April 26, 1906 (Public Law)

THE COURT: That the Court below erred in attempting to deprive the petitioner of his just rights without a fair and impartial trial, by refusing to permit the introduction of testimony to establish his marriage to his Choctaw wife.

REASON: That the conclusions of law and the findings of fact, as well as the application of the law to the facts by the Commissioner is incorrect, unfounded, biased, and totally unjust and unsupported either by the law or the facts.

WHEREFORE, Your Petitioner prays that the decision of the Commissioner to the Five Civilized Tribes be reversed; that this cause be ordered tried upon its merits; that the Commissioner be ~~instructed to send the case to the Commission to the Five Civilized Tribes~~ directed to hear this cause at Ardmore, Indian Territory instead of at Muskogee for the reason that it is through the erroneous action of said Commissioner that this second hearing is made necessary and the applicant should not be obliged to expend the funds necessary to make this second trip with his witnesses from his home in Dyess, I. T. to Muskogee, I. T. when the distance to Ardmore, I. T. is less than fifty miles; and further, that upon final hearing that petitioner's name be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, and that said hearing and enrollment be ordered made immediately and without ~~the~~ a repetition of the needless delay heretofore practiced by the Commissioner in this case.

Respectfully submitted,

Chas van Winkle

Attorney for Plaintiff.

To the Secretary of the Interior  
and the Commissioner of Indian  
Affairs, from the Commissioner  
to the Five Civilized Tribes.



United States of America  
Indian Territory  
Southern District

In re, Appeal in George Crawford's  
application for enrollment as a citizen  
by intermarriage of the Choctaw Nation

I, Charles von Weise, on oath state that I delivered to the Postmaster at Ardmore, I. T. for registration a letter containing a true and correct copy of the within appeal and brief & argument, which letter was addressed to Mansfield, McMurray & Cornish attorneys for the Choctaw and Chickasaw Nation at South McAlester, I.T. In proof of the registration of said letter there is hereto attached and made a part hereof the registry receipt issued by the postmaster.

(Postoffice receipt attached)

Chas von Weise

Subscribed and sworn to before me this 6th day of October, 1906

C. P. Hoggard  
Notary Public.

My commission expires

Jan 28 - 1907

J.P.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D.C. 2560-1907.  
I.T.D. 22158-1906.

January 10, 1907.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered the matter involving the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation, received with your letter of September 22, 1906, and Indian Office letter of November 1, 1906.

On the date of your letter you rendered a decision in the case, holding that no formal application had been made for the enrollment of Crawford within the time prescribed in the act of July 1, 1902 (32 Stat., 641).

It is shown that on or about August 22, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit by George Crawford "in the matter of the death of John Henry Crawford, a citizen of the Choctaw Nation," in which George Crawford stated that "I am 47 years of age and a citizen by marriage of the Choctaw Nation; that my post-office address is Wade, Ind. Ter.; that I am the father of John Henry Crawford, who was a citizen by blood of the Choctaw Nation."

It was stated, apparently on February 15, 1906, that you were without jurisdiction to receive or consider Crawford's application or testimony relative thereto.

It is contended by the applicant that the Commission to the Five Civilized Tribes was placed upon notice prior to December 24, 1902, of the claim of George Crawford to rights as a citizen by intermarriage of the Choctaw Nation through papers filed in August, 1902, and reference is made to the decision of the Department, as sustaining this contention, in the case of Ettie Turnbull.

The Indian Office considers your decision of September 22, 1906, correct, and recommends that it be affirmed.

The Department does not concur in this recommendation. It finds the statements by Crawford in his affidavit of August, 1902, the legal equivalent of an application made in time and that it warranted an investigation by the Commission to the Five Civilized Tribes and by you upon the merits of the case. (See decision of the Department of August 5, 1905, in the matter of the application for the enrollment of Isaac LeFlore et al., citizens of the Choctaw Nation by blood, and decision of the Department of March 20, 1906, in the case of Susan S. Burton et al., applicants for identification as Mississippi Choctaws.)

Your decision is therefore reversed. The papers received with your letter of September 22, 1906, are inclosed, in order

-3-

that a hearing may be had at an early date.

The argument, the subject of departmental letter of November 27, 1906, has been returned to the Indian Office.

A copy of the Indian Office letter referred to is also inclosed.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.  
1 inc. to Ind. Of.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land.  
84358, 1906.

November 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes reporting on Departmental letter of June 22, 1906, (I.T. D., 5815, 1906), and enclosing decision in the matter of the alleged application for enrollment as a citizen by intermarriage of the Choctaw Nation of George Crawford and motion filed by the applicant to have set aside the decision of the Commissioner refusing to entertain his application.

From the report of the Commissioner it appears that at the time this motion was filed with the Department, May 24, 1906, and at the time of the receipt of the Departmental letter of June 22, 1906, with reference thereto, no formal action had been taken on the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation by the Commissioner, the Commissioner's decision refusing to receive the application of George Crawford being dated September 22, 1906.

The Office is of the opinion that no decision

having been rendered at the time the motion was filed

there was nothing to justify the filing of a motion to set aside a decision which had not been rendered. The motion is therefore out of order and should be overruled.

From the record it appears that George Crawford, the applicant, is now deceased, and was at the time the record was made, February 13, 1906; that his application was based on the alleged fact that he was married to Talitha Crawford, who was a Choctaw by blood at the date of the marriage, but that she was not placed upon the roll until 1896, and that by reason of a certain affidavit filed with the Commission by George Crawford in the matter of the death of John Henry Crawford, the Commission was placed upon notice of the claim of George Crawford to be regarded as an intermarried citizen of the Choctaw Nation. It was not claimed by the applicant's attorney that any formal application had been made for the enrollment of George Crawford as an intermarried citizen of the Choctaw Nation within the time prescribed by the Act of Congress approved July 1, 1902, other than the affidavit filed in an entirely different matter. The Office is of the opinion that the Commissioner's decision is a correct one, and respectfully recommends that it be affirmed.

Very respectfully,

C. F. Larrabee,

EWE-McC.

Acting Commissioner.

TELEGRAM.

Government Paid.

Muskogee, Indian Territory, January 17, 1907.

To  
Charles von Weise,  
Ardmore, Indian Territory.

Hearing will be had on merits in case of George Crawford at  
General Office on Wednesday, January 23, 1907. Notify interested  
parties.

BIXBY, Commissioner.

O.B.G.R.Paid.

T. B.



Muskogee, Indian Territory, January 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,  
South McAlester, Indian Territory.

Gentlemen:-

The Department on January 10, 1907, reversed the decision of the Commission to the Five Civilized Tribes of September 22, 1906, refusing to receive or consider any application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation, and remanded said case with instructions that a hearing be had in the matter of said application.

In accordance therewith you are advised that the Commissioner to the Five Civilized Tribes, will, at his office at Muskogee, Indian Territory, on Wednesday, January 23, 1907, at nine o'clock A.M., hear such testimony and receive such other evidence as may be submitted in the matter of said application.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, IND. TER.  
JAN. 23 1907  
MEMORANDUM 203.

In the matter of the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

ooOoc

CHAS. VON WRISE, BEING FIRST DULY SWORN BY ED MERRICK A NOTARY PUBLIC, TESTIFIED AS FOLLOWS:

I desire to state that George W. Crawford is dead at this time; that he was living on December 5, 1902, and in proof of this latter statement I desire to call attention to the affidavit of G. W. Crawford in the matter of the death of his wife Tabitha Crawford, filed with the Commission on December 9, 1902, which shows that he made affidavit before H. C. Risteen on the 5th day of December 1902.

I further desire to call attention to the records of the Commission which show that H. C. Risteen on said date was in the employ of said Commission.

I further desire to call attention to the testimony of Tabitha Crawford taken at Caddo Indian Territory in 1899, before the Commission to the Five Civilized Tribes, wherein the said Tabitha Crawford testifies that she and her children had been living "in the nation" ever since 1885.

On account of the death of the said George Crawford and of his wife Tabitha Crawford I am unable to offer any positive testimony as to whether the said George Crawford was married prior to his marriage to Tabitha Crawford, but I desire to call attention to the fact that in 1902 the said George W. Crawford made affidavit that he was forty-two years of age, which would fix his birth in 1860, and I desire to further call attention to the testimony of Gus Crawford taken September 10, 1903 before the Commission at Tishomingo wherein he testified that he was twenty-five years of age which would fix his birth in 1878.

The records of the Commission further show that the said Gus Crawford is the son of George W. Crawford, and from the dates above given it would appear that the said Gus Crawford was born when his father was eighteen years of age, which would reasonably preclude any supposition that he was married prior to his marriage to Tabitha Crawford.

## THE COMMISSIONER:

- Q Have you been informed as to the place of residence of George Crawford at the time of his marriage to Tabitha Crawford. A I have been informed by his son Gus that said marriage took place in Arkansas
- Q Where were they living at that time?
- A Well I understand that they were living in Arkansas and that they moved to the Choctaw Nation in 1885 and that he resided in the Choctaw Nation from that time until his death the exact date of which I am unable to furnish proof.
- Q Do you contend that he was ever married under Choctaw license. A No he was married prior to the passage of the Choctaw marriage license law and it is my understanding that he was married under a license issued in the state of Arkansas.
- Q Have you any testimony you want to submit in this case
- A Well I can submit the testimony of Gus Crawford as to the residence and as to the death of the said George W. Crawford but I haven't any further testimony as to the proof of marriage of George Crawford because the records of the court are destroyed as shown by the affidavit of A.P. Alexander clerk of Pote County Arkansas

You will be allowed until February 2, 1907 to introduce any further testimony you may desire to file in the matter of the application for enrollment of George Crawford .

00000

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commissioner to the Five Civilized Tribes she reported the above and foregoing proceedings and that this is a correct transcript of her stenographic notes.

Subscribed and sworn to before me this 23rd day of January 1907

*Charles H. Hester*  
Notary Public

Mem 203

Received of the Commissioner to the Five Civilized Tribes  
one copy of the testimony of Rebecca Crawford of February 13, 1906,  
in the matter of her alleged application for enrollment as an in-  
termarried citizen of the Choctaw Nation.

*Chas. W. King*

Muskogee, Indian Territory,  
March 21, 1906.

Indian Territory  
Southern District.

F

Affidavit of Gus Crawford.

In re, Application for the enrollment of George W. Crawford as a citizen by intermarriage of the Choctaw Nation.

My name is Gus Crawford, I live at Byars, I. T. and my age is 29 years. I am an enrolled citizen by blood of the Choctaw Nation. I am a son of George W. Crawford and Tibitha Crawford. I derive my Choctaw blood from my mother. My father was a white man. I was born in Arkansas and was a small boy when my parents moved to the Choctaw Nation, which was in the year 1885. From the time my parents moved to the Choctaw Nation in 1885 until they died they lived in said Nation continuously. My mother died first and my father died in the month of December 1904; I think it was on the 12th day of the month though I might be mistaken as to that, it may have been a day sooner or a day later; it was in the middle of the month though I know from what my parents told me that they were never married before their marriage to each other. They were married in Arkansas before they moved to the Choctaw Nation. They were never divorced from each other neither were they ever separated.

Gus Crawford.

Subscribed and sworn to before me this the 30th of January 1907.

J. P. Kibby.  
Notary Public.

Commission to the Five Civilized Tribes,  
Caddo, Indian Territory.

In the enrollment of Tolitha Cranford and children as Choctaws; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Tolitha Cranford.

Q How old are you? A Forty-eight.

Q Where have you and these children been living. A We have been living here in the Nation ever since about 1885.

Q All of these children? A Yes sir.

Q Each one of these have been living here now? A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify that upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

IN RE  
THE DEATH OF

Tibitha Crawford  
a citizen of the

Choctaw Nation.

Approved Dec 9- 1902 190

Tams Bixby,  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D DEC 9 1902

Tams Bixby Acting Chairman

Choctaw # 3619



37

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the death of Tabitha Crawford  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Wade, Ind. Ter., and died on the 29 day of  
(Here insert name of postoffice.)  
June, 1901.

**AFFIDAVIT OF RELATIVE**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, George Crawford, on oath state that I am 42  
years of age and a citizen, by intermarriage, of the Choctaw Nation;  
that my postoffice address is Wade, Ind. Ter.; that I am  
(Here insert name of postoffice.)  
husband of Tabitha Crawford  
(State relationship: as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation  
and that said Tabitha Crawford died on the 29 day of  
(Here insert name of deceased.)  
June, 1901.

WITNESSES TO MARK:

(Must Be Two Witnesses.) {  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 5 day of December, 1902.

(SEAL)

H. C. Risteen Notary Public.

**AFFIDAVIT OF ACQUAINTANCE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, T. L. Nicholson, on oath state that I am 23  
years of age, and a citizen by birth of the United States Nation;  
that my postoffice address is Nelson, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Tabitha Crawford  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said Tabitha Crawford died on the 29 day of  
(Here insert name of deceased.)

June, 1901.

WITNESSES TO MARK:

(Must Be Two Witnesses.) {  
T. W. Lesby  
R. M. Wilson

his  
T. L. Nicholson  
mark

Subscribed and sworn to before me this 5 day of December, 1902.

(SEAL)

H. C. Risteen Notary Public.

Memo-203.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

O.L.J.

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In the matter of the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on February 13, 1906, Charles von Weise, attorney at law, Ardmore, Indian Territory, appeared before the Commissioner to the Five Civilized Tribes and called attention to certain evidence on file in this office, which he contended constituted an application for the enrollment of George Crawford, now deceased, as a citizen by intermarriage of the Choctaw Nation, made within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

September 22, 1906, the Commissioner rendered his decision therein wherein he held that the evidence failed to establish that any application had been made for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that no authority existed for the receipt of any application for the enrollment of said applicant at said time.

The Department on January 10, 1907 (I.T.D. 22158-1906) reversed the decision of said Commissioner and held that the evidence above referred to constituted an application for the enrollment of George Crawford and remanded the record therein for a hearing upon its merits.

January 17, 1907, Charles von Weise and the attorneys for the Choctaw and Chickasaw Nations were advised of the action of the Department and notified that a hearing would be had upon the merits in this case at the office of the Commissioner, at Muskogee, Indian Territory, on January 23, 1907.

January 23, 1907, Charles von Weise appeared before this office and made a statement which he desired to be embodied in the record in this case and stated that he had no further testimony to offer.

It is contended on behalf of George Crawford that he is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in March, 1872 to Tabitha Crawford, who died in 1901 and who is alleged to have been a Choctaw by blood.

Relative to Tabitha Crawford the records of this office show that on September 7, 1896 in the case entitled "Tabitha Crawford vs. Choctaw Nation" (1896 Choctaw Citizenship Docket Case No. 17) original application was made to the Commission to the

Five Civilized Tribes for the enrollment of said Tabitha Crawford as a citizen by blood of the Choctaw Nation and that on December 1, 1896, said Commission rendered its decision therein admitting said applicant as a citizen by blood of the Choctaw Nation.

The record herein shows that at the time of the marriage of the applicant to Tabitha Crawford, both of said persons were residents of the State of Arkansas, and that they lived together in said state until 1885, when they moved to the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that either the applicant or his wife, Tabitha Crawford, has ever been recognized or enrolled as a member of the Choctaw tribe or admitted to citizenship by any duly constituted authority of said nation, and it appears that the only recognition the said Tabitha Crawford ever received as a citizen of the Choctaw Nation was her admission to such citizenship by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, above referred to; neither does it appear that the applicant ever was married to the said Tabitha Crawford under or by virtue of a license issued by the tribal authorities of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

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Memo-203

COPY

Muskogee, Indian Territory, February 27, 1907.

Charles von Weise,  
Attorney-at-law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James H. Kirby*

Commissioner.

Registered.  
Incl. Memo-203.

COPY

Wemo203.

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Encl. Memo-203.

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED

*Jame Bixby*

Commissioner.

2 Incl.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

GAW

July 25, 1907.

I.T. 59537-1907.  
D. C. 279-1907.

Subject: Choctaw enrollment case of Geo. Crawford.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your office report of June 29, 1907, relative to a letter from Charles von Weise, of Ardmore, Ind. T., dated December 26, 1906, retracting certain intemperate and abusive language appearing in the brief filed by him in the matter of the application of George Crawford for enrollment as an intermarried citizen of the Cherokee Nation, there is inclosed copy of Office letter of July 17, 1907, approved by the Department on July 18, authorizing the Office to extract the brief referred to from the record in the Crawford case, and to submit the same to you for the purpose of returning it to Mr. von Weise.

The brief referred to is inclosed herewith.

Very respectfully,

C. F. Larrabee,

AJW-FHE.

Acting Commissioner.



DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

I.T. 59537-1907.

WASHINGTON.

July 17, 1907.

Subject: Letter of Chas.  
von Weise withdrawing  
objectionable statements in  
brief filed with Choctaw  
enrollment case of George  
Crawford.

The Honorable,

The Secretary of the Interior.

Sir

On January 10, 1907 (I.T.D. 15859-06, 23558-06), the Department transmitted to the Commissioner to the Five Civilized Tribes for report and recommendation a letter dated December 26, 1906, from Charles von Weise, of Ardmore, Ind. T., in reply to Departmental letter of November 27, 1906, concerning an argument filed by him in the matter of the application of George Crawford for enrollment as an intermarried citizen of the Cherokee Nation.

I now have the honor to transmit the report of the Commissioner, dated June 29, 1907, returning Mr. von Weise's letter and suggesting that in view of the retraction of the intemperate and abusive language no further action should be taken against Mr. von Weise, and also expressing the opinion that the brief in the present form should not be permitted to become part of the record of the Department in the case of George Crawford.

The Department, in letter of November 17, 1906, above

referred to, in regard to this matter, states that it

".....can readily dispose of the application for the enrollment of George Crawford without the consideration the specifications of error and argument in question and it will do so in due time. The material facts to which they call attention are plainly disclosed by the record."

In view of this statement, the Commissioner recommends that the objectionable brief and argument be returned to Mr. von Weise and that he be advised of the reason for such action.

The Office concurs in this recommendation, and requests authority to extract the brief referred to from the record in the George Crawford case which is now on file in this Office, and return the same to the Commissioner for the purpose suggested.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

July 18, 1907

Approved:

(Signed) George W. Woodruff,

Acting Secretary.

279-1907  
7-6085

Muskogee, Indian Territory, July 31, 1907.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

July 25, 1907, this office was advised that the Commissioner of Indian Affairs had been authorized by the Department to extract the brief filed by you in the matter of the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation in order that the same might be returned to you for the reason that the intemperate and abusive language appearing therein had been retracted by you in letter of December 26, 1906.

The original and carbon copy of the brief referred to are accordingly herewith returned.

Respectfully,

EB 1-31.

Commissioner.

Mem 203  
Mem 204  
Mem 205

COPY.

Muskogee, Indian Territory, March 21, 1906.

Charles von Weise,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, 1906, requesting copies of the testimony in the matter of the application of Rebecca Crawford, ~~Emmer~~ Crawford or Job and George Crawford for enrollment as intermarried citizens of the Choctaw Nation.

In compliance with your request there are inclosed herewith copies of the testimony of Rebecca Crawford, Emmer Crawford and George Crawford of February 13, 1906, in the matter of the alleged applications for their enrollment as citizens by intermarriage of the Choctaw Nation, together with receipts therefor, which please sign and return to this office.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

FB 1-21.

COPY

Muskogee, Indian Territory, September 21, 1906.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 15, 1906, inclosing copy of letter addressed by you to the Secretary of the Interior on the same date, relative to the application of George W. Crawford for enrollment as an intermarried citizen of the Choctaw Nation.

There is inclosed herewith copy of my decision of September 22, 1906, declining to receive the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation.

The record in this case has this day been transmitted to the Secretary of the Interior and you will be notified of Departmental action thereon.

Respectfully,

*Sam Bixby*

EB 1-22.

SIGNED

Commissioner.

Mem 203

COPY

Muskogee, Indian Territory, September 22, 1906

Mansfield, McMurry & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of my decision of September 22, 1906, declining to receive the application for the enrollment of George Crawford as an intermarried citizen of the Choctaw Nation.

The record in this case has this day been transmitted to the Secretary of the Interior and you will be notified of the action taken by the Department in this case.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

HB 2-22.

COPY

Muskogee, Indian Territory, September 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 22, 1906 (I.T.D. 5815-1906) inclosing for report and recommendation motion for review and rehearing in the matter of the application for the enrollment of George Crawford as an intermarried citizen of the Choctaw Nation.

Reporting in this matter I have the honor to advise that on February 13, 1906, George Crawford appeared at this office and his testimony was taken relative to an application alleged to have been made for his enrollment as an intermarried citizen of the Choctaw Nation within the time provided by law.

At the time of the receipt of Departmental letter of June 22, 1906, no formal action had yet been taken upon the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation.

There is now returned motion inclosed with Departmental communication of June 22, 1906, copy of the testimony of George Crawford of February 13, 1906 and copy of my decision of September 22, 1906, declining to receive the application for his enrollment.



(2)

Charles von Weise, Attorney for applicant George Crawford, deceased, and the attorneys for the Choctaw and Chickasaw Nations have been furnished copies of this decision.

Respectfully,

SIGNED

*Tamr Birby*

Commissioner.

Through the Commissioner  
of Indian Affairs.

Mem. 203.

C O P Y

Oct 9th 1906

Five Tribes Commissioner,  
Muscogee, I. T.

Dear Sir,-

I herewith enclose original and copy of assignemnt of errors and brief and argument in the matter of the alleged application for the enrollment of Goerge W. Crawford as a citizen by intermarriage of the Choctaw Nation.

I desire that the original be immediately forwarded to the Secretary of the Interior to be considered in connection with said application.

Yours truly,

(Signed) Chas von Weise

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land.  
84358, 1906.

November 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes reporting on Departmental letter of June 22, 1906, (I.T. D., 5815, 1906), and enclosing decision in the matter of the alleged application for enrollment as a citizen by intermarriage of the Choctaw Nation of George Crawford and motion filed by the applicant to have set aside the decision of the Commissioner refusing to entertain his application.

From the report of the Commissioner it appears that at the time this motion was filed with the Department, May 24, 1906, and at the time of the receipt of the Departmental letter of June 22, 1906, with reference thereto, no formal action had been taken on the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation by the Commissioner, the Commissioner's decision refusing to receive the application of George Crawford being dated September 22, 1906.

The Office is of the opinion that no decision

having been rendered at the time the motion was filed.

there was nothing to justify the filing of a motion to set aside a decision which had not been rendered. The motion is therefore out of order and should be overruled.

From the record it appears that George Crawford, the applicant, is now deceased, and was at the time the record was made, February 13, 1906; that his application was based on the alleged fact that he was married to Talitha Crawford, who was a Choctaw by blood at the date of the marriage, but that she was not placed upon the roll until 1896, and that by reason of a certain affidavit filed with the Commission by George Crawford in the matter of the death of John Henry Crawford, the Commission was placed upon notice of the claim of George Crawford to be regarded as an intermarried citizen of the Choctaw Nation. It was not claimed by the applicant's attorney that any formal application had been made for the enrollment of George Crawford as an intermarried citizen of the Choctaw Nation within the time prescribed by the Act of Congress approved July 1, 1902, other than the affidavit filed in an entirely different matter. The Office is of the opinion that the Commissioner's decision is a correct one, and respectfully recommends that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-McC.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

COPY.

Land.  
99049-1906.

November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There was transmitted to you in Office letter of November 1, 1906 (land 84357-1906), the record in the matter of George Crawford, an applicant for enrollment as an intermarried citizen of the Choctaw Nation. In connection with this case I now have the honor to transmit a communication from Tams Bixby, the Commissioner to the Five Civilized Tribes, dated November 5, 1906, enclosing an appeal from Commissioner Bixby's decision denying the enrollment filed October 17, 1906, by Charles von Weise, attorney for applicant, together with what this attorney terms a brief and argument.

The attorneys assignment of error, as far as it deals in a temperate and dignified manner with rulings of the Commissioner to the Five Civilized Tribes which did not appear to the attorney to be correct, is not subject to criticism; but the tone of two of its four paragraphs, and a great deal of the language of the so-called brief and argument, as well as the spirit which breathes through them everywhere, seem to me unworthy of any document designed to be laid before the officers

of this Department. Whatever there may be of argument is so saturated with vulgar vituperation that the two elements are practically inseparable. Instead, therefore, of attempting to set forth in the present letter an abstract of a brief and argument, which, taken by themselves, seem to me unfit for a place in the public records, I prefer to submit the papers to you for consideration, and to recommend that Attorney von Weise be informed that before any notice can be taken of his appeal by the Department, he must either-

- (1) Apologize in writing to the satisfaction of the Department for the insult he has attempted to put upon it in presenting such papers, and retract completely the statements contained in his personal assault upon the good faith of Commissioner Bixby and his official staff; or

- (2) Prove every charge made in the offensive document against the said Commissioner and his subordinates, with the full understanding in advance that if he fails in this attempt he will be disbarred from professional practice in any branch of the Department of the Interior.

I should recommend making it absolutely plain to attorney von Weise, as well as to everybody who has occasion to consult the record of this case, that nothing is further from

the purpose of this Office or of the Department of the Interior than to shield any officer in the Indian Service any where, who has been guilty of either direct wrongdoing or neglect of duty; and that Mr. von Weise be informed that any apology or retraction which he may offer will be no bar to his proceeding in another and separate undertaking to present charges against the Commissioner to the Five Civilized Tribes, in a decorous and proper manner, as the basis of an investigation to be made by the said Commissioner's superior officers in Washington.

Very respectfully,

F. E. Luepp,  
Commissioner.

GAW-NL.



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
FHE.

D.C. 52884-1906.  
I.T.D. 22152-1906.  
23558- "  
L.R.S.

November 27, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

With letter of September 22, 1906, you reported relative to a motion filed in the Department May 24, 1906, by Charles von Weise, and forwarded to you June 22, 1906, praying that your decision refusing to consider the application for the enrolment of George Crawford as a citizen by intermarriage of the Choctaw Nation be reversed. With letter of November 5, 1906, you submitted an argument by von Weise, called an appeal from your decision of September 22, 1906, in which you again declined to entertain the application for enrolment of Crawford, filed in your office February 13, 1906.

You call this paper an unwarranted and uncalled for personal abuse of you and the employees of your office, and recommend that the Department refuse to receive or file the same as a part of the record in the case.

The Indian Office, submitting your report November 23, 1906(Land 99049), states that the attorney's assignment of error, as far as it deals in a temperate and dignified manner

with the rulings of your office, is not subject to criticism, but the tone of two of its four paragraphs and a great deal of the language of the so-called brief and argument accompanying the assignment of error, as well as the spirit which breathes through them everywhere, seem to be unworthy of any document designed to be laid before the offices of this Department; that whatever there may be of argument is saturated with vulgar vituperation. It recommends that von Weise be informed that before any notice can be taken of his "appeal" by the Department he must either apologize in writing to the satisfaction of the Department for the insult he has attempted to put upon it in presenting such papers, and retract the statements contained in his personal assault upon your good faith and that of your employees; or prove every charge made against you and your subordinates, with the understanding that if he fails in this attempt he will be disbarred from practice before any branch of the Department.

The Department concurring in these recommendations, you are directed to advise von Weise accordingly, furnishing him a copy hereof, and of said Indian Office letter, a copy of which is inclosed.

In calling upon him for an apology or to prove the charges offensively made, the Department wants it distinctly understood that it has no idea of shielding anyone from proper

-5-

criticism. You will therefore advise von Weise, as recommended by the Indian Office, that any apology or retraction he may offer will be no bar to his proceeding in another undertaking to present charges against you or any employee in your office, in a decorous manner, as the basis of an investigation to be made as the Department may direct.

The Department can readily dispose of the application for the enrolment of George Crawford without considering the specifications of error and argument in question, and it will do so in due time. The material facts to which they call attention are plainly disclosed by the record.

Respectfully,

(Signed) E.A. Hitchcock.

Through the Commissioner  
of Indian Affairs.

E.R.

1 inclosure.

COPY.

Muskogee, Indian Territory, December 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of November 27, 1906 (I.T.D. 22158, 23558-1906), with reference to an argument submitted by Charles von Weise, of Ardmore, Indian Territory, called an appeal from the decision of the Commissioner to the Five Civilized Tribes of September 22, 1906, declining to entertain the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation.

In conformity with the Department's instructions, I have today furnished Mr. von Weise with copies of Departmental letter of November 27, 1906, and the report of the Commissioner of Indian Affairs of November 23, 1906.

I transmit herewith for the information of the Department, copy of my letter of this date to Mr. von Weise.

Respectfully,

SIGNED *Tams Bixby.*

Through the Commissioner  
of Indian Affairs.

Commissioner.

OP 19-3

COPY.

Muskogee, Indian Territory, January 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 27, 1906 (I.T.D. 22158, 23558-1906), in reference to an argument submitted by Charles von Weise, of Ardmore, Indian Territory, called an appeal from the decision of the Commissioner to the Five Civilized Tribes of September 22, 1906, declining to entertain the application for the enrollment of George Crawford as a citizen by intermarriage of the Choctaw Nation, permit me to call attention to my letter of December 19, 1906, advising the Department that Mr. von Weise had on that date been furnished with copies of Departmental letter of November 27, 1906, and the report of the Commissioner of Indian Affairs of November 23, 1906.

I have the honor to report that this office has not been advised of any action being taken by Mr. von Weise in reference to this matter and I now have to request that I be specifically directed by the Department as to the future proceedings to be taken relative thereto.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

Through the Commissioner  
of Indian Affairs.

Muskogee, Indian Territory, June 29, 1907.

The Honorable;

The Secretary of the Interior.

Sir:

On January 10, 1907 (I.T.D. 15859, 23558-1906), the Department transmitted to this office for report and recommendation, a letter of December 26, 1906, from Charles von Weise, of Ardmore, Indian Territory, in reply to Departmental letter of November 27, 1906, concerning an argument filed by him in the matter of the application of George Crawford for enrollment as an intermarried citizen of the Choctaw Nation.

In said letter Mr. von Weise, for certain reasons therein given, retracts the objectionable statements and charges against this office and the employees made by him in the brief filed in the Crawford case. Such retraction being made by him I see no reason for taking any further action against Mr. von Weise for his intemperate and abusive language, but I am of the opinion that the brief in its present form should not be permitted to become a part of the records of the Department in this case.

(2)

In its letter of November 27, 1906 (I.T.D. 22158, 23558-1906), in regard to the same matter, the Department states that it

"... can readily dispose of the application for the enrollment of George Crawford without the consideration of the specifications of error and argument in question and it will do so in due time. The material facts to which they call attention are plainly disclosed by the record."

In view of these statements I recommend that the objectionable brief and argument be returned to Mr. von Weise and that he be advised of the reason for such action.

The letter of Mr. von Weise of December 26, 1906, is herewith returned.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

OP 28-1



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

CAW

July 25, 1907.

I.T. 59537-1907.  
D. C. 279-1907.

Subject: Choctaw enrollment case of Geo. Crawford.

Commissioner to the five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your office report of June 29, 1907, relative to a letter from Charles von Weise, of Ardmore, Ind. T., dated December 26, 1906, retracting certain intemperate and abusive language appearing in the brief filed by him in the matter of the application of George Crawford for enrollment as an intermarried citizen of the Cherokee Nation, there is inclosed copy of Office letter of July 17, 1907, approved by the Department on July 18, authorizing the Office to extract the brief referred to from the record in the Crawford case, and to submit the same to you for the purpose of returning it to Mr. von Weise.

The brief referred to is inclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-FEE.

Choc 6086

Abram Charles

6086

DEPARTMENT OF THE INTERIOR  
Muskogee, Oklahoma, January 19, 1911.

In the matter of the application for the enrollment of  
Lilly and Abram Charles as citizens by blood of the  
Choctaw Nation.

Proceedings had at Idabel, Oklahoma, January 6th, 1911,  
before Charles F. Bliss, Supervising District Agent.

Sally Charles, being first duly sworn, testified as  
follows:

By Mr. Bliss:

- Q What is your name? A Sally Charles.  
Q How old are you? A I don't know.  
Q Are you about twenty-two? A Yes sir; about that.  
Q What is your postoffice address? A Valliant.  
Q Are you a full-blood Choctaw? A Yes sir.  
Q Who is Martin Charles? A My brother.

An examination of the roll of citizens by blood of  
the Choctaw Nation shows at No. 15969, the name of  
Sally Charles, age twelve, full-blood, Census Card  
No. 1158.

- Q You appear here, do you, for the purpose of making application  
for the enrollment of your child, Abram Charles? A Abram  
Charles is my half brother.  
Q Who is Abram Charles' father? A William Charles.  
Q How old is Abram Charles? A Five years old.  
Q Can you give me the year in which he was born? A 1905.  
Q What month? A 1st of February.  
Q 1st of February, 1905? A Yes sir.

Abram Charles is present and looks to be about the  
age given by the witness.

- Q Did you at one time have a sister by the name of Lilly Charles?  
A Yes sir.  
Q When was Lilly born? A (no Answer)  
Q Was Lilly born before you were enrolled? A She was about five  
years old when she died.  
Q You are sure that Lilly Charles was five years old when she died?  
A Yes sir.  
Q Did you mean to say that she was five years old when she died,  
or did you mean to say that she died five years ago? A She was  
five years old.  
Q Could she walk? A Yes sir.  
Q Could she talk? A Yes sir.  
Q Do you remember when she was born? A No.  
Q How long has it been since she died? A About eight years ago.  
Q How old was Lilly when she died? A Five years old, going on  
six.  
Q Are you positive that Lilly was five years old when she died?  
A Yes, I think she was five years old.  
Q Could she walk? A Yes sir; and talk plain.

Lilly and Abram Charles----2.

- Q Sally, how much difference was there between the ages of Lilly and Abram? A Year and a half, or may be a little more.
- Q Was Lilly living when Abram was born? A No, she was dead then.

Witness excused.

-----

David Austin, being first duly sworn, testified as follows:

- Q What is your name? A David Austin.
- Q How old are you? A Forty-four.
- Q What is your postoffice address? A Valliant.
- Q Are you acquainted with a child by the name of Abram Charles? Yes sir; I was well acquainted with his mother and I am acquainted with the child.
- Q How old is Abram? A I don't remember the date of the month or the date of the year and such as that, but he is going on six years old.
- Q Thsi is Abram present here, is it? A Yes sir.
- Q What was the name of the mother of Abram Charles? A Sayanis Willie.
- Q What is the name of the father? A William Charles.

The name of Sayanis Willie is found upon the approved roll of citizens by blood of the Choctaw Nation at No. 13481, age twenty-nine, full-blood, Census Card No. 4932.

- Q Is Sayanis Willie living now? A No sir; she is dead.
- Q How long has she been dead? A Sometime in 1888; sometime in February.
- Q Do you mean 1888 or 1908? A 1908.
- Q Did you know Lilly Charles in her life time? A Yes sir; I seen her several times.
- Q How long has Lilly Charles been dead? A Some where between eight and nine years. I think about eight years.
- Q How old was she when she died? A I don't know. I knew the child but I can't tell you how old she was when she died.
- Q Do you know whether or not she could walk when she died? A Yes sir; she was running around. I seen her several times at churches with her mother and father. More than that, I seen her at school up here at water-hole church.

Witness excused.

-----

William Charles, being first duly sworn, testified as follows:

- Q What is your name? A William Charles.
- Q How old are you? A I don't know, but I guess I am about fifty.
- Q What is your postoffice address? A Garvin.
- Q You have testified heretofore in regard to your children, Lilly and Abram Charles? A Yes sir.
- Q This is Abram here? A Yes sir.
- Q How old is Abram? A He is five y ars old.

Lilly and Abram Charles---3.

- Q You don't remember the month in which he was born? A No.
- Q You testified the other day, I believe, in regard to your child Lilly Charles, that Lilly died about seven years ago, did Lilly die about seven years ago? A Yes sir.
- Q Now, how old was Lilly when she died? A The first time I said it was seven years ago when she died-- she was a little over five when she died.
- Q You testified the other day, I believe, that Lilly couldn't walk when she died, now could she walk at the time of her death? A Her sister died too, and I got the two children that died mixed, I was mistaken about Lilly.
- Q Which one of your children died before it could walk? A Lucy. She was the last one.
- Q Then, you have two children who are dead? A Yes sir.
- Q One named Lucy and one named ~~Lilly~~ Lilly? A Yes sir.
- Q Lucy was the child that died before she could walk? A Yes sir.
- Q Now, how old was Lilly when she died? A She could walk alright and she could talk.
- Q Now, can you give me the year in which Lilly died? A No sir.
- Q Was a record made at the time of her death? A No sir.
- Q Have you any witnesses here by whom you can establish the date of Lilly's death? A No sir.

Witness excused.

-----

Sally Charles, being recalled, testified as follows:

- Q Since you testified a few minutes ago, you have attempted to fix the date of the death of Lilly Charles? A Yes sir.
- Q Well, now, when did Lilly die? A She died in 1902.
- Q What month? A July the 20th.
- Q Are you positive that that is the correct date? A Yessir.

Witness excused.

-----

Vester W. Rose, being first duly sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Subscribed and sworn to before me this 21st day of January, 1914.

*Edward H.errick*  
Notary Public.

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 21st, 1911.

-----oOo-----

In the matter of the application for the enrollment of Lilly and Abram Charles as citizens by blood of the Choctaw Nation. (Minors).

Proceedings had at Idabel, Oklahoma, January 4th, 1911, before W. C. Pollock, Assistant Attorney, Interior Department.

William Charles, being first duly sworn, testified as follows, partly through J. A. Franklin, Interpreter:

By Mr. Pollock:

Q What is your name? A William Charles.

Opposite No. 3142 on the final roll of Choctaws by blood appears the name William Charles, 35, full blood, census card No. 1158.

Q What was your wife's name? A Mary.

Q Mary Charles was your wife? A Yes.

Q Is she on the roll? A No sir.

Q What is the name of this girl that you want to put on the roll?

A Lilly Charles, that's a sister to Sallie Charles.

Opposite No. 15969 on the roll of Choctaws by blood appears the name Sallie Charles, 12, full blood, census card No. 1158.

Q Who is Martin Charles? A That is a brother or sister or whatever it was to Sallie; it's still a living.

Q Who is Lucy Charles? A That's my last wife's child, and I have another one by Seannus now that's about six years old.

Q Is Lilly living now? A Yes.

Q How old is she? A Little over seven years old; she's the one that's dead.

Q How long ago did she die? A She was overlooked when the Commission met here at Garvin. She would have been about seven years old now, going on eight, and she died when she was very small; that's the reason I never said nothing about it. I thought because she's dead I couldn't do nothing with it. Here about six or seven years ago when the Commission was out here again making the roll, Sallie and all of them had been overlooked, and they all got on the roll then, and right straight afterwards this Lilly died.

Q Lilly has been dead about seven years? A Yes sir.

Lilly and Abram Charles-----2

- Q Was she a year old when she died? A Maybe she was about a year old, but I don't hardly think she was; she was just beginning to crawl good when she died. I think Sallie has got a record of it--of her death, and age too.
- Q What is the name of the other child by Seannus? A Abram; that's an own brother to Lucy.
- Q Is Abram living now? A Yes.
- Q When was Abram born--what year? A I can't recollect.
- Q Has Sallie a record of that? A I think so.
- Q About how old is he now? A He's over five.
- Q Do you know what time of the year--fall or spring or summer?
- A Summer---somewheres near the fall----over five years old.
- Q Over five years old? A Yes.
- Q Did you ever make application for Abram to be enrolled? A No sir.
- Q Why not? A That child was right here when these Commissioners was here a while back and some said it was out of date and so I never brought it before them. Some people out on the street said it couldn't be enrolled and so I never brought it up here before the Commissioner.

Witness excused.

-----

Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct translation of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 21st day of January, 1911.

*Edward M. Morris*  
Notary Public.



CHOCTAW CASE NO. 100.

Lilly Charles, deceased, (Female), full-blood Choctaw.  
Abram Charles (Male), 5 years old, full-blood Choctaw.

An examination of the records of this office fail to show any applications for the enrollment of the claimants herein within the time provided by law.

It appears from the testimony herein and the records of this office that Lilly Charles, claimant herein, is the child of William Charles, full-blood Choctaw Roll No. 3142, and Sealy Charles, a recognized Choctaw Indian, who died before enrollment; that Abram Charles is the child of said William Charles and Sayanis Charles, enrolled as Sayanis Willie, Choctaw Roll by Blood No. 13481; that Abram Charles was born February 1, 1905, and is now living.

It further appears from the testimony that said Lilly Charles died on July 30, 1902.

Choc 6087

David Carn

Aug. 1, 1914

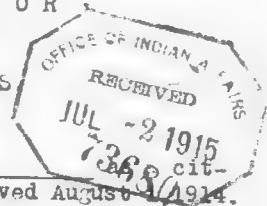
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Choc. 18229

RECEIVED  
SUP. CIV. TRIBES  
JAN 28 1915

10394 Blank No. 700.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES



In the matter of the enrollment of David Carn  
izen of Choctaw Nation, under the Act of Congress approved August 14, 1914.

1. What is your name, age and post office address?

Name Harlie Carn, Age 31 years, P.O. Glover chla

2. What are the names of your parents?

Father: Harrie Carn Mother: Marry Carn

3. If you are not the enrolled person first above mentioned, how do you represent such person?

I am the father of David Carn

4. What are the names of the parents of such person?

Father: Harlie Carn Mother: Marry Carn <sup>nee</sup> Chlaumbi

5. Webster Ballinger Atty. of Washington, D.C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

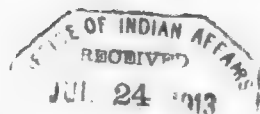
6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. I did not sign contract and did not agree to pay any amount there of.

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. NEVER SEEN THE ATTORNEY NEVER PAID ANY MONEY OUT AT ANY TIME FOR ANY  
FOR ANY ATTORNEY TO CONDUCT ANY ENROLLMENT

8. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. There was not any contract nor any papers nor verbal made between any attorney that claims fees for doing right papers at all

(Sign here) Harlie Carn

Dated at Glover chla  
Jan. 25, 1915.  
191



DEPARTMENT OF THE INTERIOR  
Muskogee, Oklahoma, January 20, 1911 **90635**

In the matter of the application for the enrollment of David Carn as a citizen by blood of the Choctaw Nation.

Proceedings had at Idabel, Oklahoma, January 6th, 1911, before Charles F. Bliss, Supervising District Agent.

Mary Carn, being first duly sworn, testified as follows:

By Mr. Bliss:

Q What is your name? A Mary Carn-- I was enrolled as Mary Oklamhambi.

Q How old are you? A Twenty-three.

Q What is your postoffice address? A Glover.

The name of Mary Oklamhambi is found upon the approved roll of citizens by blood of the Choctaw Nation at No. 3388.

Q Are you married? A Yes sir.

Q What is the name of your husband? A Harlis Carn.

Q Who is Lucky Carn? A His sister.

Q Who is Lena Carn? A His sister.

The name of Harlis Carn is found upon the approved roll of citizens by blood of the Choctaw Nation at No. 2882.

Q How long have you been married to Harlis Carn? A About six years.

Q Have you any children? A yes sir.

Q Give me the name of your oldest child? A David Carn.

Q Is David Carn your oldest child? A Yes sir.

Q Is he living? A No sir.

Q When was he born? February 26, 1906.

Q How old was he when he died? A three years old.

Q Do you remember the date of his death? A Yes sir. August 23, 1908.

Q Now, give me the name of your next child? A Samuel Carn.

Q How old is Samuel? A Two months old.

Q Samuel is the baby in your lap now? A Yes sir.

Witness excused.

-----

Harlis Carn, being first duly sworn, testified as follows, through J. A. Franklin, sworn interpreter.

Q What is your name? A Harlis Carn.

Q How old are you? A About twenty-eight.

Q What is the name of your wife? A Mary.

Q Mary Carn? A Yes sir.

Q What is the name of your oldest child? A Viney; she is enrolled.

Q Have you any children who are not enrolled? A Yes sir; one.

Q What is the name of that child? A David Carn.

Q Were you married before you married your present wife? A David is my oldest child by my present wife.

David Carn-----2.

- Q Is David living? A No sir; he is dead. |  
Q Do you remember when David was born? A February, 1906.  
Q And he lived until August, 1908? A yes sir.  
Q Is this the only hild you have old enough to be enrolled who  
is not enrolled? A Yes sir; that is the only one I have.

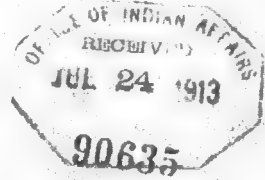
Witness excused.

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Vester W. Rose, being first duly sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Subscribed and sworn to before me this 24th day of January, 1911.

*Vester W. Rose*  
*Edward K. Ketchum*  
Notary public.



CHOCTAW BY BLOOD.

Case No. 264.

David Carn.

It does not appear from the records of this office that the claimant herein ever had an application for enrollment within the time provided by law.

It appears from the testimony herein that David Carn is the minor child of Harlis Carn, Choctaw by Blood, Roll No. 2882, and Mary Oklahambi, Choctaw by Blood, Roll No. 3388.

It further appears from the testimony herein that the said David Carn was born February 26, 1906, and died August 23, 1908.

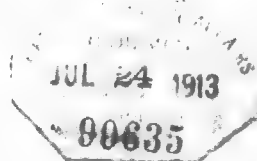
Choc 6088

Dacey Fisher

Aug. 1, 1914

6088





DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 27th, 1911.

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In the matter of the application for the enrollment of Dickey Fisher as a Minor Choctaw by Blood.

Proceedings had at Idabel, Oklahoma, January 7th, 1911, before W. C. Pollock, Assistant Attorney, Interior Department.

Salena Maytobe, sworn and examined, testified as follows, through J. A. Franklin, Interpreter:

By Mr. Pollock:

- Q What is your name? A I am enrolled as Salena Fisher; my name is Salena Maytobe.
- Q When were you married? A I don't know exactly when, the date and year and such like.
- Q Did you ever have any other name than Salena? A I went by the name of Salena Harley until I got to be a great big girl..
- Q What is your post office? A Kullituklo.
- Q What is your father's name? A Hicks Fisher.
- Q Do you know Elizabeth Fisher? A Yes.
- Q Is she related to you? A That was my step-mother and she's dead.
- Q Do you know Robert Fisher? A That's my brother.
- Q Have you any land? A Yes sir.

Opposite No. 3342 on the Choctaw by blood roll appears the name of Hicks Fisher, 41, full blood, census card 1233.

- Q What was your mother's name? A Susie Fisher.
- Q Was Michael Harley at one time your husband? A Yes sir.
- Q Who is Florence Harley? A That's my child.

Opposite No. 3130 on the roll of Choctaws by blood appears the names Salena Harley, 29, full blood, census card 1153. Opposite 3129 is the name Michael Harley, 29, full blood, census card 1153.

- Q What is the name of your sister that you want to apply for?
- A Dickey Fisher.
- Q What is the name of Dickey's father? A Same father but different mother, me and Dickey was.
- Q Hicks Fisher? A Yes sir.
- Q What was Dickey's mother's name? A Elizabeth.
- Q Is Dickey a sister of Robert Fisher? A Yes sir.
- Q Same father and same mother? A Yes sir.
- Q Has Dickey any land? A No sir.
- Q Did Dickey have any other name? A No sir.

Dicey Fisher-----2

- Q How old is Dicey? A Little over five years old.  
Q Can you tell what day Dicey was born? A I can't tell the day of the month, but it was some time in April, 1905.  
Q Is Dicey's father dead? A Yes sir.  
Q Is her mother dead? A Dead.  
Q Is Dicey living with you? A Yes sir.  
Q When did her mother die? A About a year ago.  
Q Dicey is living now is she? A Yes sir.

Witness excused.

Nancy Matobe, sworn and examined as a witness, testified as follows:

- Q What is your name? A Nancy Maytobe.  
Q What relation are you to Salena? A She's my daughter-in-law.  
Q Do you know Dicey Fisher? A Yes sir.  
Q Who was Dicey's father? A Hicks Fisher.  
Q Who was Dicey's mother? A Elizabeth Fisher.  
Q Are they both dead? A Yes sir.  
Q When did Elizabeth die? A About a year ago.  
Q Do you know when Dicey was born? A Yes sir.  
Q Were you there when she was born? A No sir.  
Q Did you live near them when Dicey was born? A Yes sir, tolerable near.  
Q How old was Dicey when you first saw her? A I seen her before she was as big as that baby there (baby in arms).  
Q Is Dicey living now? A Yes sir.  
Q Who is she living with? A She's at my house, my daughter-in-law lives there and my daughter-in-law is taking care of her.  
Q Has she lived with Salena ever since the mother died? A Yes sir.

Witness excused.

Benson Maytobe, sworn and examined as a witness, testified as follows:

- Q What is your name? A Benson Maytobe.  
Q How old are you? A About thirty.  
Q What is your post office address? A Kullituklo.  
Q Are you a full blood Choctaw? A Yes, sir.  
Q Do you know Dicey Fisher? A Yes sir.  
Q Do you know how old Dicey is now? A I don't know--over five years I reckon.  
Q You don't remember the year she was born? A No, I don't know that.  
Q Do you know who her father and mother were? A Yes sir.  
Q Who were they? A Hicks Fisher and Elizabeth Fisher.  
Q Are they both dead now? A Yes sir.  
Q Who is Dicey living with? A Lives with my sister-in-law.  
Q Salena? A Yes.

Witness excused.

Dacey Fisher-----3

Nancy Maytobe recalled.

Q How old is Dacey? A She's just a little over five years old.  
Q Are you a full blood Choctaw? A Yes sir.

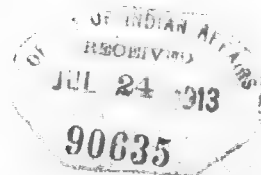
Witnesses advised that this child cannot be enrolled unless Congress passes a law authorizing the enrollment of such persons.

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Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 27th day of January, 1911.

*Edward Herrick*  
Notary Public.



CHOCTAW CASE NO. 294.

Dacey Fisher (Female) 5 years old. Minor Choctaw by Blood.

An examination of the records of this office fail to show any application for the enrollment of the claimant herein within the time provided by law.

It appears from the testimony herein and the records of this office that Dacey Fisher, claimant herein, is the child of Hicks Fisher, deceased, a full-blood Choctaw, Roll No. 3342, and Elizabeth Fisher, deceased, a full-blood Choctaw, Roll No. 3343, and that said Dacey was born during the month of April, 1905, and is now living.

It further appears from the records of this office that Dacey Fisher, claimant herein, has enrolled as a Choctaw by blood a full- brother, Robert Fisher, whose name appears opposite approved roll number 3344.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Dacey Fisher  
izen of Choctaw Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name Dacey Fisher, Age 5 years, P.O. Mullituck, Okla.

2. What are the names of your parents?

Father: Hicks Fisher Mother: Eliza Beth Fisher

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Sister of Salina Harley Chae roll no 3130  
Mullituck, Okla.

4. What are the names of the parents of such person?

Father: Hicks Fisher Mother: Eliza Beth Fisher

5. Webster Ballinger Atty. of Washington, D. C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied, by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. no

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. no did not pay any attorneys

8. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. not has been made any contract

(Sign here)

Salina Harley

Dated at

Mullituck, Okla.  
January 20, 1915

Choc 6089

Mary Fobb

Aug. 1, 1914

6089

CHOCTAW (CLAIM BY BLOOD)

Case No. 38.

Mary Fobb, Female, Full-blood.

An examination of the records of this office fails to show any application for the enrollment of Mary Fobb as a citizen of the Choctaw Nation within the time provided by law.

It appears from the testimony herein and from the records of this office that Mary Fobb, claimant herein, is the child of Joseph Fobb and Incy Fobb, full blood Choctaw Indians whose names appear upon the approved Choctaw roll opposite Roll Nos. 9965 and 9966, respectively, and that Mary Fobb was born August 4, 1906, and is now living.



(COPY)

Houston McDaniel about 23 yrs old and living Nov. 17, 1910

Father, Agua McDaniel

Mother, Nancy "

Alleged to be full-blood Choctaw Indians who died in Miss.

Houston removed to Okla in 1901 & has resided there since.

No application of record- Proof not sufficient at this time.

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Only one witness

Joe McDaniel

About 12 yrs. old and living Nov. 17, 1910

Father, John McDaniel

Mother, Mary "

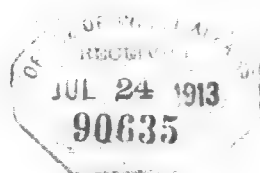
Parents removed to Okla in 1906

Alleged the boy removed in 1901 at age of 3 yrs. with Isaac Thompson.

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Moses John

Did not remove until 1906.



DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, December 21st, 1910.

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In the matter of the application for the enrollment of Mary Fobb as a citizen by blood of the Choctaw Nation.

Proceedings had at Durant, Oklahoma, November 19th, 1910, before W. C. Pollock, Assistant Attorney Interior Department.

Appearances: (Apple & Franklin, by S. A. Apple, attorneys for claimant.  
(No appearance for Nations.

Frank Anderson, sworn and examined as a witness, testified as follows:

By Mr. Apple:

- Q Your name is Frank Anderson? A Yes sir.
- Q Where do you live? A I live at Blue.
- Q You are a Choctaw citizen? A Yes sir.
- Q Do you know Mary Fobb, the applicant? A Yes sir.
- Q How old is she? A She must be about six years old.
- Q How do you represent her here? A As guardian.
- Q Your letters of guardianship were issued by the county court of Bryan county? A Yes sir.
- Q Who was the mother of Mary Fobb? A Incy Fobb.
- Q She is an enrolled citizen? A Yes sir.
- Q What is the name of her father? A Joseph Fobb.
- Q Is he an enrolled citizen of the Choctaw Nation? A Yes sir.
- Q What degree of blood do the father and mother possess? A Full blood.
- Q Mary Fobb then is a full blood Indian? A Yes sir.
- Q Was any application ever made for her enrollment to your knowledge? A Not that I know of.
- Q She was living at the time they added the last batch of names to the roll? A Yes sir.
- Q Do you know why an application was not made then? A No sir, the old man was an old treaty man I suppose.
- Q You mean by saying that Joseph was an old treaty man that he was among that class of persons who made no efforts to secure enrollment? A Yes sir.
- Q Mary Fobb is now living is she? A Yes sir.
- Q Where is she living, in this county? A Yes sir.
- Q Living with her parents? A Yes sir.

Mary Fobb case-----2

By Mr. Pollock:

- Q Do you know when Mary was born? A No sir, I don't exactly know, but it was in August, the 4th I believe, but I couldn't swear what time.
- Q What year? A 1904 I think.
- Q Have you a copy of your letters of guardianship with you?
- A No sir, Mr. Horton has got them and he went back after them tonight, L. D. Horton.
- Q You are sure she was born before the New Born children were enrolled? A Yes sir. I don't know what time that was made, but then I think she was born August 4th, and that's what the old man says himself. And I wasn't really acquainted with them until I was appointed guardian.
- Q You didn't know them at the time she was born? A No sir.
- Q All you know about the date of her birth is what they have told you? A Yes sir.
- Q When were you appointed guardian? A About two years ago I believe, I don't know the exact date, but it is on my letters of guardianship.

By Mr. Apple:

- Q Do you live in the same vicinity as this Fobb family? A No sir, I live at Blue and he lives at Bennington.
- Q How far from you? A About twelve miles.
- Q You are well acquainted with the Fobb family? A Yes sir.
- Q And knew them all your life? A Yes sir.
- Q You have seen this applicant? A Yes sir.
- Q How old did she look to be? A Little over six I think.

Witness excused.

Joseph Fobb, sworn and examined as a witness, testified as follows, through Frank Anderson, sworn Interpreter:

By Mr. Apple:

- What is your name? A Joe Fobb.
- Q Where do you live? A Bennington.
- Q Are you a Choctaw citizen? A Yes.
- Q Are you a full blood Choctaw? A Yes.
- Q Do you know Mary Fobb? A Yes.
- Q How are you related to her? A My child.
- Q When was Mary Fobb born? A It was August 4th, 1903, I believe, or 1904, I don't know which.
- Q What is the name of Mary Fobb's mother? A Incy.
- Q Is Incy Fobb your wife? A Yes sir.
- Q Has any application ever been made to the Dawes Commission to enroll Mary Fobb? A No.
- Q Do you now desire to have her name enrolled and let her share in the tribal property with the other Indians? A If I can get her through it will be alright.

Mary Fobb case-----3

By Mr. Pollock:

Q Why didn't you have Mary enrolled before? A I thought maybe the Commissioners would enroll her, and I don't suppose they ever enrolled her. Some fellow from over there at Utica, a one-legged fellow, was going around getting up applications for enrollment and I thought maybe he would enroll her, but I don't suppose he did.

By Mr. Apple:

Q Was the one-legged fellow a Choctaw? A White fellow.  
Q Was there a doctor or mid-wife present when Mary was born?  
A An old white woman.  
Q Give her name? A Her name was Poskey.  
Q Is she living now? A I do not know. Mary Poskey is her name. She's the one that named Mary.  
Q The child was named after the mid-wife? A Yes sir.  
Q When was the last time you saw Mary Poskey? A Been a good while since I seen her.  
Q Isn't there any way you can fix the exact year of Mary's birth?  
A She was born August 4th, in 1904.  
Q Do you know whether the land office was open at Atoka the year Mary was born? A I don't know. At that time there was people going around taking up enrollment of children is the only time that I know of.  
Q Do you mean people were taking in their children and sending in applications for enrollment? A Yes sir.  
Q And Mary was living at that time? A Yes.

By Mr. Pollock:

Q Did you want to have the Choctaw land divided up and allotted?  
A No sir, I didn't want it.  
Q Did you know Crazy Snake or Chitto Harjo? A I don't know him, but I have heard of him.  
Q You wanted to hold your land under the old treaty did you? A I didn't think anything about this new law at all; I didn't consider it anything.  
Q Did you apply for enrollment yourself? A Yes.  
Q Did you select your land? A Yes.

Mr. Pollock to Interpreter:

I want you to make him understand this: There is no law now to enroll Mary, but I am taking this statement about her so if Congress shall pass a law this winter, or any other time, authorizing such enrollment, we will have a record of her case.

Witness excused.

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Mary Fobb case-----4

Albert G. McMillan, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct translation of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 21st day of December, 1910.

*R. P. Harrison*

Clerk U. S. Court,

By

*J. A. Harrison*

Deputy.

CHOCTAW

Citizenship Application

of

Mary Fobb

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Brief of Applicant

Office of Indian Affairs  
Received Jul 24 1913  
90635

Apple & Franklin, Attys.

(COPY)

DEPARTMENT OF THE INTERIOR.

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In the matter of the application for the enrollment of Mary Fobb as a citizen by blood of the Choctaw Nation.

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ARGUMENT IN BEHALF OF THE APPLICANT.

Mary Fobb, the applicant is a full blood Choctaw Indian girl, born in the year 1904 in the Choctaw Nation, Indian Territory, both parents being full blood Indians and their names on the final rolls. The father's name is Joseph Fobb and the mother's Incy Fobb. No application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this child before the closing of the rolls in 1907, else her name would have been on the New Born roll of 1905 or the Minor Roll of 1906. The conditions of this case, as we shall discuss them herein, bring this minor's application within the scope of the present inquiry being made by Mr. W. C. Pollock on behalf of the Department. Perhaps the first knowledge the Department of the Interior, or any of its branches, have had of this child's existence was that gained at the hearing and application herein at Durant, Oklahoma, on November 19, 1910, before Mr. Pollock; on which date Frank Anderson, the legal guardian of Mary Fobb, together with Joseph Fobb, the father, applied to the Department for the enrollment of Mary Fobb and on which date they gave the testimony which is now part of the record in this matter.

At the Durant hearing on November 19, 1910, no attorneys appeared for the Choctaw and Chickasaw Nations, although Mr. Geo. D. Rodgers appeared at the same place on November 14, 1910, during the taking of testimony in other citizenship cases, and he and the attorneys for the Choctaw Nation, as we understand it, were informed of all the dates and places of the taking of testimony by Mr. Pollock. Therefore we assume that this hearing was regu-



lar in that the Nations had proper notice.

It is claimed on behalf of the minor applicant that her case is in that class now being considered by the Department as having meritorious demands upon the attention of the Government. Mary is not an orphan, but to all intents and purposes she was in the orphan class prior to 1907. The testimony reveals the fact that her father, Joseph Fobb, is a Snake Indian; by which a certain band or organization of Indians in the Five Civilized Tribes is known, the articles of whose faith seems to be antagonistic to the terms of the several treaties between the United States and the tribes. Joseph has been therefore inattentive to the citizenship rights of his little daughter; careless of whether she was recognized by the U. S. Government as a member of the Choctaw tribe or not. Her case is discovered now by the merest accident. It appears that in the distribution of the estate of a deceased member of the Fobb family, it became necessary for the court to appoint a guardian over the minor children of Joseph Fobb and Incy Fobb. This guardian, Frank Anderson, learned in the course of his duties to said estate that one of his wards, Mary Fobb, was not an enrolled citizen. This opportunity of presenting the case to Mr. Pollock for the consideration of the Department and of the Congress lying before him, he induced the erstwhile stubborn Joseph to accompany him to Durant on November 19, and there the first testimony in this matter was offered. It is a circumstance worth mentioning that Joseph Fobb the Snake comes even now with reluctance and asks for the enrollment of his child. Without the persuasion from the guardian, who is a bright young Indian, we venture to assert that Joseph would yet withdraw this application and have none of the Government's interference in tribal matters. Mr. Pollock can best appreciate the attitude of the aged tribesman as he gave his testimony through the interpreter in November last. When asked if he now desired that

Mary's name should be enrolled and she get a citizen's share in the distribution of the tribal property, he hesitated and then drawled out in his native tongue, "If I can get her through it will be all right." The following questions were propounded him by Mr. Pollock and his answers given:

Q Did you want to have the Choctaw land divided up and allotted? A No sir; I didn't want it.

Q You wanted to hold your lands under the old treaty, did you? A I didn't think anything about this new law at al. I didn't consider it anything.

Consistent with these views the old Indian declined to forward the interests of his child; although we gather from other bits of his testimony that he was not belligerent but rather was in a submissive mood. He failed to enter into the new order of things with hearty acceptance, yet he recognized the inevitable and occupied a passive position as is expressed in one of his answers which we shall quote:

Q Why didn't you have Mary enrolled before?

A I though may be the Commissions would enroll her, and I don't suppose they ever enrolled her. Some fellow from over there at Unica, a one-legged fellow, was going around getting up applications for enrollment and I thought may be he would enroll her, but I don't suppose he did.

Had he been of that number who sought every first chance to add a name to the rolls of their household, Joseph would have seen his little girl's name entered upon the roll.

A word or two as to the sufficiency of this testimony. Ninety-nine per cent of the names on the 1905 New Born roll were placed there on the simple affidavits of two persons. Our client's name should have been on that roll had her mother and one other witnesses made the formal affidavit. At the present time we have the sworn testimony of the father, whose testimony will be the more

credible because of his political views, and the testimony of the guardian; both stating that the applicant was born in August 1904 (or may be 1903, as the father suggests). Added to this is the evidence of the appointment of the guardian in the form of a certified copy of the letters issued by the County Court of Bryan County, Oklahoma. In our opinion this evidence of the birth in 1904 of Mary Fobb will measure up well with the 99% of those whose names were enrolled under the 1905 act, which should have provided for her enrollment also.

Will it be contended that if there are any more names added to the rolls of Choctaws and Chickasaws no name should be considered except of an orphan, an incompetent or a prisoner? Broadly speaking we believe the three classes named represent those in whose interest the Department feels more inclined to take action. After pondering this case a moment, hasn't Mary Fobb presented as self-pleading application for citizenship rights as any of the three classes could possible present? Is the little full blood girl to be rejected from enrollment because of the neglect of her parents. We say that the failure of the parents to present her case stamps them as incompetents and at once advances the child to the orphan class. It will be remembered that but a short time was given for applications in 1905, too short for the omission of this child's name to have received the attention of Government or tribal officials who sometimes gave succor to such instances, taking a hand for the aid of the helpless.

The attorneys for the two nations have ere this received copies of the testimony and they have had ample notice of the application. We hope they have taken some steps to ascertain whether our witnesses have stated the truth. In a case so manifestly in the right, we court a full inquiry. The attorneys should convince themselves that the witnesses for applicant

Mary Fobb

5.

are reputable and credible; and if they find them so, we would not then expect a word of protest from the Nations against the enrollment of Mary Fobb as a Choctaw full blood. The duty of the attorneys for the tribes, it appears to us, would impel them to join in the request for her enrollment, provided of course the attorneys acquiesce in the addition of other names to the rolls. And we understand they have repeatedly admitted that there are certain names that should be on the rolls.

Respectfully submitted,

Apple & Franklin

Attorneys for the Applicant

Ardmore, Oklahoma,  
January 4, 1911.

(COPY)

Blank 601 5-19-14-5M  
ORIGINAL  
Fill Out Both Copies

## GUARDIAN'S APPLICATION FOR PER CAPITA PAYMENT

I hereby apply for the following shares of the per capita payment being made to the members of the tribe to which the minors or incompetents listed below belong:

NAME OF MINOR (OR INCOMPETENT)	Degree of Blood	Present Age and Sex	TO BE FILLED OUT BY DISBURSING OFFICER ONLY			
		9 yrs	Present No.	Date Paid	By Check No.	Amount
	full	female				
	Nation	D. C. Roll No.				
Mary Fobb						
Probate Case No.	Choc-taw					
NAME OF MINOR (OR INCOMPETENT)	Degree of Blood	Present Age and Sex				
	Nation	D. C. Roll No.				
Probate Case No.						
NAME OF MINOR (OR INCOMPETENT)	Degree of Blood	Present Age and Sex				
	Nation	D. C. Roll No.				
Probate Case No.						
NAME OF MINOR (OR INCOMPETENT)	Degree of Blood	Present Age and Sex				
	Nation	D. C. Roll No.				
Probate Case No.						

### GUARDIAN'S CERTIFICATE.

I hereby certify that the above statements are true and correct; that I am the duly appointed and acting guardian (or curator) for each of the minors (or incompetents) named above, and that said minors (or incompetents) are living at this date.

J. G. Worthy  
Guardian (or Curator).

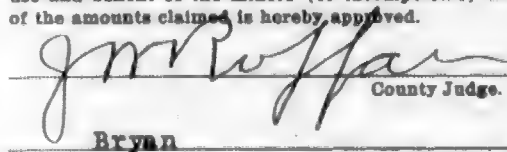
P. O. Bennington, Okla

Date: September 18th, 1914

APPLICATION NO.

### PROBATE COURT'S APPROVAL.

The person executing the guardian's certificate hereon is the duly appointed, qualified and acting guardian (or curator) of the minors (or incompetents) named above in the Probate Cases stated, now pending in the jurisdiction of this court. Said guardian (or curator) has furnished good and sufficient bonds to cover the amount of money applied for (including amounts heretofore received and in his hands) and has in each case made satisfactory reports to this court, required by law, and payment by the proper disbursing officer of the Interior Department direct to such guardian (or curator) for the use and benefit of the minors (or incompetents) named of the amounts claimed is hereby approved.

  
County Judge.  
Bryan  
County, Oklahoma.

Date: 9-17-14 (SEAL)

EXHIBIT NO.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 23, 1910.

Messrs. Apple & Franklin,

Ardmore, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Mary Fobb as a Choctaw citizen, taken in the course of my investigation.

Respectfully,

Enc. L-240

Assistant Attorney.

(COPY)

Muskogee, Oklahoma, December 23, 1910

Messrs. Rodgers & Clapp.

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Mary Fobb as a Choctaw citizen, taken in the course of my investigation.

Respectfully,

Enc. L-242

Assistant Attorney.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 23, 1910.

Messrs. McCurtain & Hill,

McAlester, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Mary Fobb as a Choctaw citizen, taken in the course of my investigation.

Respectfully,

Enc. L-241

Assistant Attorney.

B

RECEIVED TO THE	
No.	
28913	AUG 21 1914

Hatchett & Ferguson,  
Durant, Okla..  
Aug 22 1914

Advises that Frank Anderson, gdn of  
Mary Fobb, has been removed and  
another will be appointed soon.  
(Choctaw)

(c)

Included in Poda's list.  
Admitted to Citizenship by  
Act of Congress, after 8/1/1944

98013

C.C. HATCHETT

A.H. FERGUSON

**HATCHETT & FERGUSON**

ATTORNEYS AT LAW,

DURANT, OKLA.

8/22/'14.

Mr. Dana H. Kelsy,  
Supt. Union Agency,  
Muskogee, Okla.  
Dear Sir:

This is to advise you that Frank Anderson, the former guardian of Mary Fobb, a minor, who by the recent Act of Congress was placed on the rolls of the Choctaw Tribe of Indians, has been removed as such guardian. The father and mother of Mary Fobb have made application to the County Court for the appointment of John G. Worthy of Bennington, Oklahoma, as such guardian. The matter is set for hearing on the 31 inst., and we presume that on that date Mr. Worthy will be appointed and qualify as such guardian. We write you this so that no disposition of any funds belonging to this minor may be made to the former guardian.

Yours very truly.

AHF/THT.

*Attest H. Ferguson*

(COPY)

Received Union Agency  
Sep 22 1914  
No 60252

Durant, Okla.

9/19/'14

Hon. Dana H. Kelsey,  
Supt. Union Agency,  
Muskogee, Okla.  
Dear Sir:

In re Mary Fobb, Choctaw Indian minor who was put on the rolls by the recent Act of Congress. We enclose herewith guardian's application for the per capita payment. We do not know this minor's roll number, but presume your office has the necessary information.

As we understand it, this Indian child is to be paid twice the Government appraised value of an allotment; is also paid the per capita and townsite payments which have been made to the other Choctaw Indians since September 25, 1902; we also understand that the attorneys who got this Indian minor on the rolls have a contract for twenty per cent of the proceeds of all money, and that this contract has been approved by the Secretary of the Interior.

Mr. J. G. Worthy, who is now the guardian of this minor is very desirous of getting an early settlement, and your office has recently made an order for the removal of the restrictions off a portion of the allotment of Joseph Fobb, an incompetent, who is the father of this child. Mr. Worthy as guardian of Joseph Fobb is selling the lands, and if possible, he wants to invest the money coming to Mary Fobb in the purchase of this land.

So far we have been unable to get but little information concerning this minor, her enrollment or the attorneys' contract. We would like for you to give us a detailed statement of what is necessary, to be done, if anything more, in order for the guardian to collect this money.

Yours very truly,

Hatchett & Ferguson

CCH/THT  
Encs.

(COPY)

"C.C." 60252-14  
WHA-MC 9-24-14  
Relative to money  
due Mary Fobb,  
Choctaw.

September 24, 1914.

Messrs. Hatchett & Ferguson,  
Attorneys at Law,  
Durant, Oklahoma.

Gnetlemen:

I am in receipt of your letter of September 19, 1914, wherein you refer to the case of Mary Fobb, who was enrolled as a Choctaw citizen under a recent act of Congress, and enclose guardian's application for payment of the money due her. You state you understand that this child is to be paid twice the Government appraised value of an allotment and the per capita and town site payments which have been made to other Choctaw Indians since September 25, 1902; also that you understand the attorney who got her on the rolls had a contract for 20% of the proceeds of all money due her and the same has been approved by the Secretary of the Interior.

Replying thereto you are advised that the enrollment of Mary Fobb as a citizen by blood of the Choctaw Nation was authorized by the act of Congress approved August 1, 1914, and her name is included in the schedule of the citizens enrolled thereunder, which, together with a draft of proposed regulations to govern the payments of amounts due such persons, and filing and settlement of claims of Attorneys for expenses incurred in connection with obtaining their enrollment, were forwarded to the Commissioner

of Indian Affairs for Departmental approval on August 31, 1914.

This office has not as yet received any advise of the action taken by the Department in the matter, and I am, therefore, unable to furnish you the information you are seeking at this time. However, when the roll is approved by the Department and the regulations referred promulgated, you will be advised fully.

The records of this office show that Messrs. Apple & Franklin, attorneys at law, of Ardmore, Oklahoma, represented said Mary Fobb in the matter of her application for enrollment and filed a brief in support thereof.

The act authorizing the enrollment of Mary Fobb and others provides that there shall be paid to them out of the funds in the Treasury of the United States to the credit of the Choctaw and Chickasaw Nations a sum equal to twice the appraised value of the allotment of such person as fixed by the Commission to the Five Civilized Tribes for allotment purposes, which amounts to \$2,082.56. No provision is made for making any percapita payments to citizens enrolled under said act.

The guardianship application of J. G. Worthy, enclosed with your letter, has been retained in the files of this office for consideration in connection with making the payment to Mary Fobb when approved regulations governing same are received.

Respectfully,

Supervisor in Charge.

Choc 6090

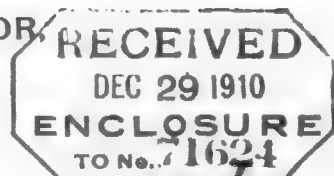
Lizzie Garland

Aug. 1, 1914

6090



DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
UNION AGENCY.



Nashoba Okla. 12/19-1910  
Statement of Lucy Garland, the  
step mother of Minnie Garland  
she was present when Lizzie  
Garland was born, and states  
that Minnie Garland was the  
mother of Lizzie Garland, and  
says that Hickman Anderson  
was the father. he is now dead  
Lizzie Garland was born on Oct  
17-1905. Peter Hudson, tried to  
have this child enrolled the  
father never supported nor assisted  
the child at all. he was enrolled  
as a full blood.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
UNION AGENCY.

Lizzie Garland. is living with  
Lucy Garland. the step mother  
of Minnie Garland. and  
has always lived with  
her <sup>witness</sup> ~~her~~ <sup>Lucy</sup> ~~her~~ <sup>Garland</sup>  
Hillhouse <sup>mark</sup>

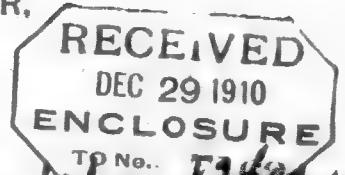
J M Fuller & more to before

Mr J M Fuller Notary Public  
this 19. day of December 1910

J M Fuller

my commission  
expires May 15 1912

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
UNION AGENCY,



Nashoba, Oct 29 1910

Statement of Jincy White =,  
states that she knew Minnie  
Garland all her life and  
knows Lizzie Garland, and  
knows that Minnie Garland was  
the mother of Lizzie Garland,  
and that Lizzie Garland was  
born in October 1905- and that  
she saw the child when only  
4 or 5 days old, and that she  
has always been told that  
Herman Andersson a full  
Blood was the father of this  
child, and that Lizzie Garland  
has always lived with

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
UNION AGENCY,

Lucy Garland her steps  
Grand Mother.

Her House

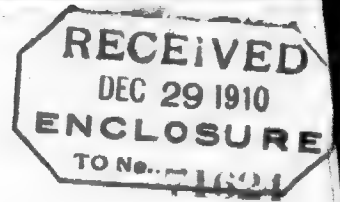
J M Fuller

~~Lucy White~~  
mark

subscribed and sworn to before  
me this 19th day of December  
1910

J M Fuller

cor commission expires  
May 15 1912



STATE OF OKLAHOMA  
LEFLORE COUNTY

AFFIDAVIT

Comes now Simon ~~Graham~~ <sup>Garland</sup>, who being  
duly sworn upon his oath says, I am the Grandfather of Lizzie  
Graham who lives with me at my home in Pushmataha County, Okla-  
homa; said minor is the child of my Daughter Minnie ~~Graham~~ <sup>Garland</sup>  
~~deceased~~, said child was born on October 17th, 1905; my said  
daughter was living with me in my home in said county at the  
time of the berth of said child Lizzie Garland.

Simon Garland

Subscribed and sworn to before me this 15th day  
of February, 1910.

Jas. E. Bentley  
Notary Public

My Commission expires August 18, 1913.

MINOR CHOCTAW BY BLOOD.

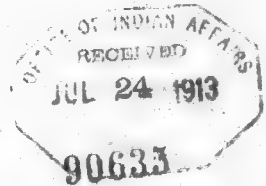
Case No. 290.

Lizzie Garland, Female, Full-blood.

The records of this office fails to show any application for the enrollment of claimant within the time provided by law.

It appears from the testimony herein that Lizzie Garland is the illegitimate child of Minnie Garland, Choctaw by Blood, Roll No. 5358, and Hickman Anderson, a full blood Choctaw Indian.

It further appears that said child was born October 17, 1905, and was living at the date of the execution of the affidavits filed herein which was December 19, 1910.



(COPY)

J. E. Bentley

Lizzie Garland About 5 years old

Minnie Garland Roll No. 5358 Card No. 1878 illegitimate child.

Write H. G. House.



BEN FRAZIER  
Notary Public and Interpreter  
NASHOBA, OKLAHOMA

FILED FOR RECORDS  
JAN 24 1915  
1002

Jan. 23 - 1915

Hon. Gabe A. Parker.

Muskogee, Okla.

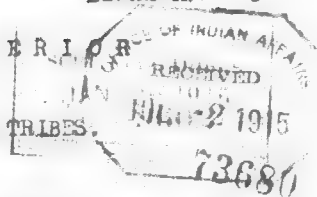
Dear sir. Regard. to this  
as a true statement. But still I don't  
that I hired any lawyer. But how come  
this matter to start was. The last time  
when Choctaw held a Council. at  
Tuskahoma. Okla. There where I  
mention about it. It start it from  
that time. In time of Green M. Gentry  
was in Office of P. C. C. N. If any more  
information about this case. I don't know  
I hope to hear from you soon

yours Truly

WB/BF.

Byington Battice  
Guardian for Lizzie Garland  
minor

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.



In the matter of the enrollment of Lizzie Garland as a citizen of Chootaw Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name Byington Battie, Age 47 years, P.O. Nashobu  
Son of Lizzie Garland minor

2. What are the names of your parents?

Father: Francine Battie Mother: Liste Battie

3. If you are not the enrolled person first above mentioned, how do you represent such person?

I am enrolled

4. What are the names of the parents of such person?

both dead.  
Father: Simon Garland Mother: Minnie Garland

5. Webster Ballinger Atty. of Washington, D. C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay.

I never made no arrangement.

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid.

None whatever

9. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment.

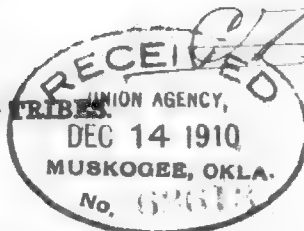
None to attach

(Sign here) Byington Battie

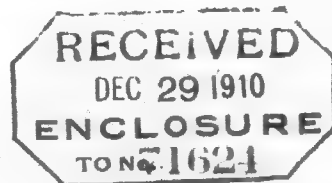
Dated at Jane  
23 1913

Refer in reply to the following:

MB  
DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES



Muskogee, Oklahoma, December 12, 1910.



H. G. House,  
District Agent,  
Talihina, Oklahoma.

Sir:

Information has been received at this office that Lizzie Garland, minor child of Minnie Garland, who is enrolled opposite number 5358 on the final roll of citizens by blood of the Choctaw Nation, was omitted from the final roll of citizens of said Nation.

You are requested to investigate at once the right to enrollment of the said Lizzie Garland and in making such investigation you should obtain the testimony of three witnesses who are able to give the date of the birth of Lizzie Garland and the name of the person or persons with whom said minor has lived. The testimony should also disclose the name and degree of Indian blood of the father of said child, whether or not he ever contributed anything to her support, and whether or not any action was ever taken by him or any other person

68618

H. G. H.,-----2.

71624

to secure the enrollment of said minor as a citizen of  
the Choctaw Nation. The testimony should also show  
whether or not Lizzie Garland is living at this time  
and, if dead, the date of her death.

Respectfully,

*J. C. [Signature]*

CFB(AVD)

Commissioner.

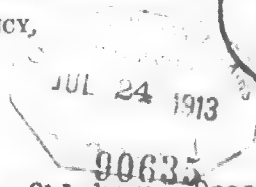
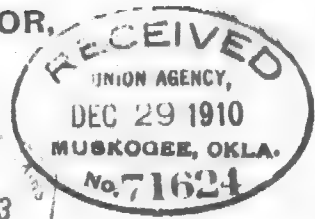
*The Sup + Union Agency*

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

UNION AGENCY,

Subject:  
Citizenship matter.



Talihina, Oklahoma, December 28, 1910.

Hon. Dana H. Kelsey,  
U. S. Indian Superintendent,  
Muskogee, Oklahoma.

Sir:

I herewith enclose a letter from the Honorable  
Commissioner and also testimony secured and sworn to.

I am having a Guardian appointed in this case.

Respectfully,

District Agent

HGH-JEB

71624

J. L. Bentley

Lizzie Garland  
about 5 years old  
Minnie Garland Roll  
No 5358 Card no 1878  
illegitimate child

Wife of L. House

CHOCTAW CASE NO. 120.

Amos Haiakonobi (Male) 14 years old. Choctaw by Blood.

An examination of the records of this office fail to show any application for the enrollment of the claimant herein within the time provided by law.

It appears from the testimony herein and the records of this office that Amos Haiakonobi, the claimant herein, is the son of Wilson Haiakonobi, a full-blood Choctaw Indian, Roll No. 1106, and Louisa Haiakonobi, a full-blood Choctaw Indian, who died prior to September 25, 1902.

It appears from an examination of the 1896 Choctaw Census Roll that the name of Amos "Hayakonubbe" is thereon at No. 5595, along with Louisa "Hayakonubbi".

The testimony herein is to the effect that this claimant is about fourteen years of age and is now living.



DEPARTMENT OF THE INTERIOR.

Muskegee, Oklahoma, January 20th, 1911.

-----c0c-----

In the matter of the application for the enrollment of Amos Haiakonobi as a citizen by blood of the Choctaw Nation.

Proceedings had at Idabel, Oklahoma, January 4th, 1911, before W. C. Pollock, Assistant Attorney, Interior Department.

Ziad Harrison, sworn and examined as a witness, testified as follows, through Osborne Blanche, sworn interpreter.

By Mr. Pollock:

- Q What is your name? A Ziad Harrison.  
Q What is your age? A Forty-seven, going on forty-eight.  
Q What is your post office address? A Lukfata.  
Q Do you know a boy, Amos Haiakonobi? A Yes sir, I know him.  
Q How old is Amos? A About fourteen years old.  
Q What is his father's name? A Wilson Haiakonobi.

By Interpreter: He went by two different names--that man--lots of the Indians calls him Wickson and some calls him Wilson. He's on the roll as Wilson.

Wilson Haiakonobi is identified on the roll of citizens by blood of the Choctaw Nation at No. 1106, census card No. 529.

- Q Do you know the mother of Amos? A Louisa Haiakonobi.  
Q Is the mother living now? A Been dead a long time.  
Q Do you know if Amos has any sisters? A Two.  
Q What are their names? A Two sisters, but don't remember their names. One is Adaline and the other one I forgot her name.  
Q Do you know Sillis Haiakonobi? A I don't know.

Following the name of Wilson Haiakonobi appear the names Sillis, Maika, Adeline and Mary, age 18, 16, 11 and 9 respectively.

- Q When did you see Amos last? A Last Saturday.  
Q Do you know how soon after Amos was born his mother died? A I don't remember. He must have been about two years old when his mother died. He was a small baby.  
Q Did you ever hear his father say why he didn't apply to have Amos enrolled? A His father was a member of those band claiming under the old treaty and they didn't want to have anything to do with this allotment and that's the reason he didn't try to get this boy on the roll.  
Q Was Amos mother a full blood Choctaw? A Yes, she was a full blood Choctaw.

Amos Haiakonobi-----2

Q She died before the rolls were made did she? A Yes sir.

Witness excused.

Osborne Blanche, sworn and examined as a witness, testified as follows:

Q What is your name, age, and post office address? A Osborne Blanche, Hagletown, thirty-two.

Q Do you know Amos Haiakonobi? A I know him when I see him.

Q Do you know his father Wilson? A Yes sir.

Q Where do they live? A They live about seven miles east of Lukfata.

Q How long since you have seen Amos? A About a couple months ago, I reckon, I was at his house.

Q What age boy does he look to be? A I never noticed much, good size boy, take him to be about fifteen or sixteen years old.

Q Did you know the daughters of Wilson? A ~~Knows this~~ No, Billie and Mary were dead before I came to this country, but I know Adeline and Maiko.

Q Is Amos younger than these girls? A Yes sir. Maiko is married. Adeline and Amos are the only ones that's at home now with Wilson.

Q Do you know whether Wilson belonged to the organization that was opposed to allotments? A Yes sir, I was on the police force-- Indian policeman--and I talked with those fellows time and again trying to get them to take their townsite money and so on, and I had a pretty hard time with those people.

Q Wilson was one of those people? A Yes sir.

Witness excused.

Ziad Harrison recalled.

Q Was Amos ever known by any other name? Did he ever have any English name? A No, I don't know.

Choctaw census card No. 529 bears the notation that Amos Haiakonobi appears on the 1895 roll at No. \_\_\_\_\_

Q How near do you live to Wilson Haiakonobi? A About a mile and a half.

Q How long has he been living there--Wilson? A He has been there a long time, longer than I can remember.

Witness excused.

J. A. Franklin, sworn and examined as a witness, testified as follows:

Q What is your name, age, and post office address? A J. A. Franklin, sixty years old the 18th of this coming March, post office Idabel.

Amos Haiakonobi-----3

- Q Do you know Wilson Haiakonobi? A Wickson Haiakonobi, yes sir, Wilson Haiakonobi, yes sir.
- Q How long have you known him? A I have been knowing him now about forty-five years.
- Q Where does he live now? A He lives over here in the Goodwater settlement, used to be old Eagle county, on what they call Yarnaby Creek.
- Q Was Wickson or Wilson a full blood Choctaw? A Yes sir.
- Q Did you know his wife? A Yes sir, but I forgot her name.
- Q Do you know whether she was a Choctaw or not? A Yes sir, she's a Choctaw.
- Q Full blood? A Full blood, yes sir.
- Q Do you know what children they had? A No sir, not exactly. Well, they had a good many but then I think they are all about dead. He may have one living yet.
- Q Do you know whether they have any boy living? A Have one.
- Q What is that boy's name? A I couldn't tell you to save my life; he's a young boy twelve or thirteen years old, maybe he's thirteen, but he don't look like he is.
- Q Do you know how Wilson thought about the enrollment, whether he was in favor of the enrollment or not? A He was against it.
- Q Did you ever hear him say why he did not apply to have this boy enrolled? A No sir, only in one way, that's just here a while back, and I was questioning him about it and he said this was the first time he ever tried to send the boy off to school. He had him here to carry him to school, and he said he never had got his townsite money yet. He never had come under the Government or been equalized as a citizen on that account--on account of his contrariness--and I laughed at him and said it's too late now, and I said you had better get your boy to school and get things fixed up, and I know him to have been arbitrary to filing too.
- Q You are not a Choctaw? A No sir, I am on the roll as an inter-married.
- Q Did Wilson's wife die before the enrollment began? A Yes sir, it was before the enrollment, when the Commission was at Sulphur Springs.
- Q When did she die? A Thirteen or fourteen years ago before the Commission was here at Alikohi.

Witness excused.

-----

Albert G. McWilliam, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes.

*Albert G. McWilliam*

Subscribed and sworn to before me this 20th day of January, 1911.

*Edward Merrick*  
Notary Public.

(COPY)

(COPY)

August Twelfth, Nineteen Ten.

Messrs Rodgers & Clapp,  
Muskogee, Oklahoma.

Gentlemen:-

Your Mr. Clapp will recall that before the Congressional Committee I mentioned the name of Amos Haiakonobi, age 14 years full-blood Choctaw, Post Office Lukfata, or not being on the roll. At that time I gave his father as Wellington Haiakonobi, but in this I am in error. His father's name is Wilson, Choctaw Roll No. 1106. These people are Snakes, and I merely secured this information by accident. Whether this child is enrolled or not is immaterial to me, but I feel that matters of this character should receive your special attention.

Yours very truly,

(Signed) J. S. Mullen.

*Letter to M. J. Mueller, Asst  
Dist. Agent, Idabel Nov. 29, 1910*

(COPY)

*Recd Oct 7, 1910*

Muskogee, Oklahoma, Oct. 6, 1910.

Mr. W. C. Pollock,

Muskogee, Oklahoma.

Dear Sir:-

We enclose you a copy of a letter received from J. S. Mullen, referring to a full-blood boy whose father was a Snake Indian, and supposed not to be enrolled. We should be glad to have you include this in your list of cases to be investigated.

Yours very truly,

AWC-LVT.

Rodgers & Clapp.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, November 29, 1910.

Mr. M. J. Mueller,

Idabel, Oklahoma.

Dear Mr. Mueller:

It is stated to me that Wilson Haiakonobi, roll No. 1106, has a son Amos now about 14 years of age who is not on the rolls. I find that Wilson and four daughters are enrolled together. The census card bears a note that Amos is No. 5595 on the 1896 roll as one year old. I am also told that one H. L. Stiff is guardian for this boy and that proceedings are pending in the Court for the sale of his inherited interest in some lands there.

I would be glad to have you secure from the father a statement under oath as to this boy. The points to be covered are the names of the father and mother, the age of the boy, the reason his name was not included with those of his sisters when the family was enrolled and the fact that he is now living. I would like also a statement from some other party covering substantially the same points. It is possible the records of the Probate Court in the guardianship matter will furnish some information which can be used. The lawyers representing the guardian can probably give you assistance in

this matter but we must be a little careful how we accept help from them.

Very respectfully,

W. C. Pollock

WCP(FH)

Assistant Attorney Interior Department.

Possibly this child is on the rolls under some other name.

Ask whether he has an English name and whether he was ever know by any name except Amos Haiakonobi.

W.C.P.

Is at Wickson Wilson or Haiakonubbi north of road Lukfata to Eagletown.



(COPY)

Haiakonobi, Amos

Father Wilson Haiakonobi, Full blood Choctaw Roll No. 1106  
card 529

Four daughters enrolled with the father; census card bears notation in pencil Amos Haiakonobi on 1895 roll No . . .

Attention called to this by an Atty at Idabel.

H. L. Stiff of Lukfata is guardian of this boy, who is said to be about 14 yrs. old now Nov 1910.

Nov 29, letter to Mueller Asst. Dist Agent, Idabel.

(CBPY)

*Letter to  
M. G. Mueller, Asst.  
Dist. Agent, Nov. 29.*

Amos Haiakonobi  
Full-blood Choctaw  
Age 14 years.

\_\_\_\_\_#\_\_\_\_\_

This name does not appear upon any of the approved Choctaw rolls. It is possible however, he may be enrolled under some other name. The name of Amos Hayakonubbi is found on the 1896 Choctaw tribal census roll at No. 5595, with Louisa Hayakonubbi, who is thought to be his mother and who died prior to September 25, 1902.

Wilson Haiakonobi, the alleged father of Amos Haiakonobi, is enrolled as a full-blood Choctaw opposite approved roll No. 1106, Card No. 529 together with his four daughters Sillis, Maiko, Adeline and Mary Haiakonobi. It is not stated whether this child is living or dead.

W. H. A.

(COPY)

Amos Haiakonubbi, was on Tribal roll No. 5595 as his age was 1 year old.

On a Tribal roll with Louisa Hayakonubbi, but not on Dawes Commission roll, or any of the Choctaw Cards.

J. W. Homer.

Office of Indian Affairs  
Received Jul 24 1913  
90635

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

SUBJECT:  
Enrollment of  
Amos Haiakonubbi

Idabel, Oklahoma, December 24, 1910.

Hon. J. George Wright,  
Commissioner to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

In the matter of the application of the enrollment of Amos Haiakonubi, a Choctaw who was not enrolled by the Dawes Commission, I have the Honor to report as follows:

The facts as gained from his father, who is enrolled as Wilson Haiakonobi, Choctaw by blood, roll No. 1106, and states that he gets his mail at Lukfata and Eagletown, Oklahoma, is, that the Dawes Commission enrolled his family and that he does not know who was enrolled and who was not, that he has never received any Patents or Certificates, and that he does not know where any of their allotments are located, he further states that he has never received any Townsite or Equalization money, but I am inclined to think that this is not the fact.

His family consists of Wilson Haiakonobi, roll No. 1106, his wife, Louisa Haiakonobi, who does not appear on the roll, and she died in 1907. Sillis Haiakonobi, roll No. 1107, Maika Haiakonobi, roll No. 1108, Adeline Haiakonobi, roll No. 1109, Mary Haiakonobi, roll No. 1110, Amos Haiakonobi, not on the roll.

The boy was at the house, and I will state in connection with what the old Gentleman said, that this boy is a full blood and appears to be about 16 years of age, and that he has never

J.G.W. \_\_\_2.

been known by any other name, it would be quite difficult to get witnesses to prove these things, and one would have to rely on what he sees, the fact remains that this boy is entitled to be enrolled.

Sillie died 1906, Mary and Louisa died 1907, and the others were all present when I called at his home, I invited him to call at my office on January 3d, and he stated that he would be there, and with that in view, I would suggest that the representative who has this work in charge be here on the day mentioned and take this matter up, or have him write me just what is wanted in this case, and I will try to get the information sought.

Respectfully,

M. J. Mueller

Sp'l Ass't District Agent.

(Copy)

These papers to be  
attached to testimony  
taken Jan'y 1911

Choc 6092

Melissa Hodges

Aug. 1, 1914

6092



CHOCTAW (CLAIM BY BLOOD)

Melissa Hodges, 1/2 Blood, Female.

*Case no 34*

It appears from the records of this office that no application was ever made for the enrollment of Melissa Hodges as a citizen of the Choctaw Nation within the time provided by law.

It appears from the testimony herein and from the records of this office that Melissa Hodges, claimant herein, is the illegitimate child of Sarah Pisachubbe, deceased, a full-blood Choctaw, Roll No. 3471, and Hannibal Hodges, a half breed, enrolled as a Choctaw Freedman, Roll No. 5470, and that the claimant herein is now living and is about 15 years of age.

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, December 17th, 1910.

-----oOo-----

In the matter of the application for the enrollment of  
Melissa Hodges as a citizen by blood of the Choctaw Nation.

Proceedings had at Idabel, Oklahoma, November 16th, 1910,  
before W. C. Pollock, Assistant Attorney, Interior Department.

Agnes Webster, being duly sworn and examined as a witness,  
testified as follows, through Dave James, official Choctaw Interpreter.

By Mr. Pollock:

- Q What is your name? A Agnes Webster.  
Q What is the name of the girl you want to apply for? A Melissa  
Hodges.  
Q Who was Melissa's mother? A Sarah Pisachubbe.  
Q How much Indian was Sarah? A A full blood Choctaw Indian.

On the roll of citizens by blood of the Choctaw Na-  
tion, opposite No. 3471, is found the name of Sarah Pisachubbe,  
23, full blood, census card No. 1277.

- Q Who was Melissa's father? A Hannibal Hodges.  
Q Was he an Indian? A He was a half breed.  
Q Was he half white or half negro? A Half negro.  
Q Are both the parents of this child dead? A Mother dead and  
her father is living somewhere.  
Q Was Melissa's mother related to you? A Yes sir.  
Q What relation? A Melissa's mother was my step-daughter.  
Q Who was Sarah Pisachubbe's father? A Bob Takubbe.  
Q Was he a Choctaw Indian? A Yes, he was a Choctaw Indian.  
Q Who was Sarah's mother? A My sister.  
Q Full blood Choctaw? A Yes sir.  
Q How old is Melissa? A About fifteen years old.  
Q When did her mother die? A Her mother died about four years  
ago.  
Q Do you know why Melissa was not put on the roll? A I don't  
know.  
Q Did Melissa live with her mother until the mother died? A She  
stayed with me that time.  
Q Did you give her name in to the Dawes Commission? A No sir.

Melissa Hodges case-----2

- Q Why? A This girl stayed with a fellow named Solomon Jones and she went to file for her and her mother said she was going to file land for her, but she never done it, and then when after her mother died we went to file for Melissa's land and we found out her name wasn't on the rolls.
- Q Do you know anybody else that knew when Melissa was born?
- A I don't know but this Solomon Jones.
- Q Where is Solomon Jones? A Near Kullituklo.

Mr. Peter J. Hudson who is present at this examination, at this point talks to witness, in the Choctaw language, and then makes the following statement to Mr. Pollock:

I asked her at what place she appeared to make application for enrollment herself and she says at Alikehi. At that time this child was still with her mother; wasn't in charge of her (witness) then.

Witness excused.

Melissa Hodges testifies as follows through Interpreter:

- Q Melissa do you remember your mother? A Yes.
- Q Do you remember where you were living when she died? A Living with my Grandma. (Points to Agnes Webster)
- Q Do you know how old you are Melissa? A I don't know.

Agnes Webster recalled, testified as follows:

- Q ~~Whanayann~~ Was Sarah Pisachubbe and Hannibal Hodges ever married?
- A No sir.
- Q Did they live together as husband and wife? A No sir. Nobody didn't know anything about it, and when the child was born we asked her who was the father and she said Hannibal Hodges was the father of the child. Her sister asked her who was the father of the child and she acknowledged it was Hannibal Hodges and she gave her a whipping for it.
- Q Was this Melissa an illegitimate child? A Yes sir. I wanted to adopt the child but haven't been able to.

Witness excused.

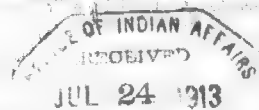
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Albert G. McMillan, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this 19th day of December, 1910.

*R. F. Harrison*  
Clerk of U.S. Court,

By *M. J. [Signature]*  
Deputy.



90635

Muskogee, Oklahoma, December 20, 1910.

Messrs. McCurtain & Hill,

McAlester, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Malissa Hodges as a Choctaw citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-207

JUL 24 1913  
90635

Muskogee, Oklahoma, December 20, 1910.

Messrs. Rodgers & Clapp,

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Malissa Hodges as a Choctaw citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-206

Choc 6093

Sallie Jackson  
(or Sallie Charles)

Aug. 1, 1914

6093

Case No. 7.

CHOCTAW BY BLOOD.

Sallie Jackson, nee Charles, Female.

An examination of the records of this office fails to show any application for the enrollment of Sallie Jackson, deceased, within the time provided by law.

It appears from the testimony herein and from the records of this office that the claimant, Sallie Jackson, removed from the State of Louisiana to the Choctaw Nation in 1896, and that she died October 14, 1910, about the age of 80 years. Her name cannot be identified upon any of the Choctaw tribal rolls, neither does it appear that she was ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities.

It further appears that this claimant has two sons, William and Email Charles, who were admitted to Choctaw citizenship by an act of the Choctaw Council October 15, 1895; that their names appear on the 1896 Choctaw Census Roll and that they are enrolled as full-bloods, their names appearing opposite roll Nos. 3142 and 13573, respectively.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Recd Oct 26 1910  
W.C.P.

Muskogee, Oklahoma, October 25, 1910.

Hon. W. C. Pollock,

Sir:

Supplementing the list of full blood Choctaw Indians heretofore furnished you I desire to direct your attention to the case of Sallie Jackson, a full blood Choctaw woman which we ask you to include with other cases heretofore submitted for your personal investigation. William Charles, Email Charles and Wilson Jackson, sons of Sallie Jackson, have been enrolled as citizens by blood of the Choctaw Nation, their names appearing opposite Nos. 3142, 13573 and 3076 respectively. These last named persons were admitted to citizenship in the Choctaw Nation by an act of the Choctaw Council approved October 16, 1895 as Mississippi Choctaws.

As to Sallie Jackson it appears that she was admitted by an act of the Choctaw Council of October 22, 1897 which date however was after the authority of the Choctaw National Council to admit persons to citizenship had expired. No application was made for her enrollment when applications were made for the enrollment of her sons but some time in the latter part of December 1905, or the early part of January 1906, her son, Email Charles, appeared at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory and attempted to make application for the enrollment of his mother, Sallie Jackson. The Commissioner was then without authority to receive applications for enrollment and no record was made of this case. The matter was reported to Mr. J. W. Howell an assistant in the office of the Attorney General for the Department of the Interior at the time of his visit to Muskogee in the fall of 1908.

Sallie is a full blood Choctaw woman and entitled to enrollment.

Respectfully,

B allinger ~~ASL~~ ASL

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, November 29th, 1910.

-----oOo-----

In the matter of the application for the enrollment of Sallie Charles (or Sallie Jackson) as a citizen by blood of the Choctaw Nation.

Proceedings had at Idabel, Oklahoma, November 18th, 1910, before W. C. Pollock, Assistant Attorney Interior Department.

APPEARANCES (No attorney for claimant.  
D. C. McCurtain, attorney for Choctaw Nation.

William Charles, being duly sworn and examined as a witness, testified as follows:

By Mr. Pollock:

- Q What is your name? A William Charles.  
Q About how old are you? A I think over forty years old.  
Q Where do you live? A I live about six or seven miles from here, close to Garvin.  
Q What was your mother's name? A Sallie Jackson.  
Q Where did she live? A She lived right close to me.  
Q Is she living now? A She's dead.  
Q Can you tell when she died? A About, I think, two or three weeks ago.  
Q Was she an Indian? A Yes, full blooded.  
Q Choctaw or Mississippi Choctaw? A Yes.  
Q Mississippi Choctaw? A Yes.  
Q When did she come to this country? A I came here about sixteen years and she came about fourteen.  
Q Was she on any Choctaw roll? A No, never have; she missed that.  
Q Did she go before the Dawes Commission to be enrolled? A She was there but she missed it that time. One of her sons went to Muskogee twice and made application there.  
Q Who is that? A Emil Charles.  
Q That is Sallie Jackson's son? A Yes sir, he's my brother.  
Q Do you know whether Sallie Jackson ever went to Garvin to be enrolled? A Yes, she went then, and she was sick, and she didn't get on. She was pretty bad sick then that time. She was old anyhow, about eighty years old. And I went.  
Q You went to Garvin you say? A Yes.  
Q Did you get before the Dawes Commission then? A I told them about it and she was to come down, but she was pretty sick.  
Q Did you go before the Dawes Commission then? A Yes, I went there.  
Q Did they enroll you then? A No, I enrolled myself at Sulphur Springs; that time she was out there and they missed her and then

Sallie Charles case-----2

she went to Garvin when she was sick and they missed her again; missed her twice.

- Q Is your brother Edib here today? A He's pretty sick and can't walk; can't use both legs; can't walk; paralyse it they call it.
- Q He went to Muskogee you say? A Yes, he was well then, and he went there about two years ago, but now he is sick.

Witness excused.

-----

Albert G. McKillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct translation of his stenographic notes.

*Albert G. McKillan*

Subscribed and sworn to before me this 29th day of November, 1910.

*Harry Montague*

Notary Public.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes.  
Muskogee, Oklahoma.

In re application for the enrollment of Sallie Jackson  
as a Choctaw citizen by blood.

By George Reed, Clerk of the Office of  
Commissioner of Indian Affairs.

Email Charles, being first duly sworn testified as follows:

Q What is your name, age and post office address?  
A Email Charles - P.O. Hochatown Okla  
Q Where were you born and from what state did you emigrate  
to the Choctaw Nation. Apalachee La  
A Are you a full blood Choctaw citizen?  
Q Yes sir  
Q When did your parents settle in the Choctaw Nation and  
from what state did they come?  
A Oct 16 - 1896 from Louisiana  
Q Did either of your parents or any ancestor receive any  
land in Mississippi under Act 14 of the Treaty of 1830,  
commonly called the Treaty of Dancing Rabbitt Creek?  
A Yes  
Q Did you or your parents ever become members of the Choctaw  
Nation west of the Mississippi?  
A Yes  
Q Were you and your brother William Charles admitted as citi-  
zens of the Choctaw Nation by an Act of the Choctaw Council  
on October 16, 1895?  
A Yes  
Q Was the name of Sallie Jackson included in that Act?  
A Yes think not  
Q Why not?  
A We came in 1894 two years before she did  
Q Was Sallie Jackson living in the Choctaw Nation at the time  
you and William Charles was admitted by Act of Council?  
A Yes no she came about 30 days later  
Q Why was her name not included in the Act of the Choctaw  
Council admitting her sons?  
A Yes she was not here  
Q Did Sallie Jackson's name appear upon any Choctaw tribal  
roll and if so upon what tribal roll and under what name?  
A Don't know  
Q Did Sallie Jackson ever receive any Choctaw payments dur-  
ing her lifetime and if so, what payments?  
A No  
Q When did Sallie Jackson die?  
A Oct 14 - 1910  
Q Prior to her death, did Sallie Jackson ever apply to the  
Dawes Commission for enrollment and if so when and where?  
A Yes - 1898 - at Aleichah  
Q Was any testimony taken in her case?  
A Yes - by Geo. Dukes  
Q Was any decision ever rendered in her case?  
A Don't know  
Q What was the name of the husband of Sallie Jackson?  
A Jackson Nicholas

Q Was her husband ever enrolled by the Choctaw tribe or by the Commission to the Five Civilized Tribes as a Choctaw citizen?

A *No*

Q What were the names of the parents of your mother, Sallie Jackson?

A *I don't know*

Q Are William Charles, Wilson Jackson, Lester Jackson and George Jackson your brother?

A *Last two are Cousins, Wilson Jackson is brother*

Q Have all your brothers above named been enrolled as Choctaw citizens? *Yes*

Q Are all the above named brothers the children of Sallie Jackson, now deceased?

A *No*

Q Did you apply for the enrollment of your mother, Sallie Jackson, at the same time that you applied for yourself?

A *Yes - in Dec 10-1900 at Okla*

I, M. J. Mueller, being first duly sworn on oath state, that the above and foregoing is a true and correct answer to the questions put to Email Charles in my presence.

M. J. Mueller

Spl. Asst. District Agent.

Subscribed and sworn to before me this 21 day of December, 1910.

SEAL

My commission expires January 7th, 1914.

Carl C. Weaver

Notary Public.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 9, 1910.

Messrs. Rodgers & Clapp,

Attorneys for the Chickasaw Nation,

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith a copy of testimony respecting the enrollment as a Choctaw citizen of Sallie Charles (or Sallie Jackson) taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc. L-40

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 9, 1910.

Messrs. McCurtain and Hill,

Attorneys for the Choctaw Nation,

McAlester, Oklahoma.

Gentlemen:

There is enclosed herewith a copy of the testimony respecting the enrollment as a Choctaw citizen of Sallie Charles ( or Sallie Jackson), taken in the course of my investigation.

Respectfully,

Enc. L-41.

Assistant Attorney.



Choc 6094

William Jackson

6094

CHOCTAW BY BLOOD.

Case No. 257.

William Jackson *(full blood)*

It appears from the records of this office that no application was ever made for the enrollment of the claimant herein within the time provided by law.

Child of Silas Jackson, Choctaw by Blood, Roll No. 14599, and Marsie Lewis, Choctaw by Blood, Roll No. 5796.

It appears from the testimony herein that the child was born prior to and living March 4, 1906.

DEPARTMENT OF THE INTERIOR  
Muskogee, Oklahoma, January 20, 1911.

In the matter of the application for the enrollment of William Jackson as a citizen by blood of the Choctaw Nation.

Proceedings had at Idabel, Oklahoma, January 6th, 1911, before Charles F. Bliss, Supervising District Agent.

Marsie Lewis, being first duly sworn, testified as follows, through J. A. Franklin, sworn interpreter.

By Mr. Bliss:

- Q What is your name? A My right name is Martha.  
Q How are you enrolled? A I don't know.  
Q Did you ever know a person by the name of Jamison Lewis? A Yes sir; that is my step-son.  
Q Who was Marsie Lewis? A That's me.  
Q Who is Henry Lewis? A That is a brother of Jamison.

The name of the witness is found upon the approved roll of citizens by blood of the Choctaw Nation at No. 5796, Full-blood Choctaw, Census Card No. 2024.

- Q What is the name of the child you wish to apply for today? A William Jackson.  
Q How old is William? A Something about five years old.  
Q Can you give me the year in which he was born? A No sir; I can't give you the right date, but his father said he went before the Commission and made application for his enrollment.  
Q What was the name of William's father? A Silas Jackson.  
Q Were you married to Silas Jackson? A Yes sir.  
Q Are you living with him now? A No sir; he is dead.  
Q What is the name of your present husband? A Ziad Harrison.

The name of Ziad Harrison is found upon the approved roll of citizens by blood of the Choctaw Nation at No. 1886.

- Q Is William Jackson living at this time? A No sir; he is dead.  
Q When did he die? A I can't tell you exactly.  
Q How old was he when he died? A About five years old; may be a little more.  
Q Could he talk? A Yes sir.  
Q Was any application ever made to have him enrolled? A I don't know of any that was ever made, the father said he tried to make application, but I don't think he did.  
Q Why wasn't application made for the enrollment of this child? A There is no excuse that I know of, it just never was put it in.  
Q Did the father of William Jackson say he would make the application and then failed to do so? A Yes sir; that is the correct reason.  
Q Was William Jackson ever known by any other name? A No sir.  
Q Did you and the father live together until the death of Silas Jackson? A No sir.

William Jackson---2.

- Q How long had you been separated when William died? A We were separated before the child was born, and then we went back together and then we had been separated about a year when the child died.
- Q Is William Jackson's father named Silas? A Yes sir.
- Q Was he a full-blood? A Yes sir.
- Q How old was he? A I don't know.
- Q What was Silas' father's name? A I don't know.
- Q What was his mother's name? A I don't know. They had been dead a long time when I married him.
- Q Did he have any brothers or sisters that you knew of? A None that I knew of.

Witness excused.

-----

Ziad Harrison, being first duly sworn, ~~states~~ testified as follows, through J. A. Franklin, sworn interpreter.

- Q What is your name? A Ziad Harrison.
- Q Are you the husband of Marsie Lewis, or Harrison? A Yes sir.
- Q The person who just testified? A Yes sir.
- Q Did you know her when she was a Jackson? A No sir.
- Q Did she ever have a child by the name of William Jackson? A Yes sir.
- Q Did you ever see the child? A Yes sir.
- Q When did William die? A Died sometime in April of the year 1906. I don't know the month.
- Q Do you know how old the child was when he died? A About five years old, or may five or six months over five years old.
- Q Can you give me the date of the birth of William Jackson? A No.
- Q Did you know William's father? A No sir. His name was Silas.
- Q Do you know of any brothers or sisters of Silas Jackson? A No.
- Q Where did Silas live? A Up near Bethel.
- Q How do you fix the date of the death of William Jackson as April, 1906? A Because that year I moved near this woman and began courtship with her..
- Q And you know that was in 1906? A Yes sir.
- Q Are you a full-blood? A Yes sir.
- Q Was William Jackson a full-blood? A Yes sir.
- Q When did you marry your present wife? A Sometime in 1908, I think, for I have been married a little over three years.
- Q Whose children are these that come in her with you? A One of them is mine.
- Q This little fellow is yours? A Yes sir.
- Q Who is the father of the little girl there? A Her third husband was Bob Wilson and that is Bob Wilson's child and the little one is mine. My wife has been married four times.
- Q What is the name of the little girl that is with you here today? A Listie.
- Q Is she enrolled? A Yes sir; I think so.
- Q Has she land? A Yes sir.

Witness excused.

-----

Wester W. Rose, being first duly sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Subscribed and sworn to before me this 24th day of January, 1911.

*Edward M. Merick*  
Notary Public.

Legal Division

STP-4-3-36

Inclosure

In re account of William Jackson, deceased  
Choctaw roll No. 16236.

April 3, 1936.

Mr. Robert Crockett,  
U. S. Probate Attorney,  
Durant, Oklahoma.

Dear Sir:

According to the records of this office, William Jackson, deceased Choctaw Roll No. 16236, was enrolled under the Act of August 1, 1914, and the funds to his credit, amounting to \$3,847.86, represent money in lieu of an allotment, plus interest to November 1, 1935. The census card upon which his name appears shows he was a son of Silas Jackson, Choctaw Roll No. 14599, and Marie Lewis, Choctaw Roll No. 5796, who now lives at Broken Bow, Oklahoma. Proofs of heirship on file for said William Jackson, deceased, in connection with distribution of his per capita payments, show the said Marie Lewis as his mother, but they show Silas Jackson, deceased Choctaw Roll No. 2241, as his father. Proofs of heirship on file for said Silas Jackson, deceased Choctaw Roll No. 2241, in connection with distribution of his per capita payments show that he left a grand daughter, Biey Jackson, Choctaw not enrolled, who is now of age and whose post office address is either Antlers or Corinne. During her minority, J. H. Holly, of Corinne, was her legal guardian. The per capita payments due the heirs of said William Jackson have been distributed in equal shares to said Marie Lewis as his mother and the said Biey Jackson as his paternal niece. It is apparent from above observations that there is a discrepancy between the per capita records and the enrollment records as to the identity of the father of said William Jackson, deceased.

Under Departmental rulings, money in lieu of allotments, as well as per capita money credited to an enrollee after his death must be distributed to the heirs under the provisions of Mansfield's Digest of the Statutes of Arkansas. Owing to the amount of funds involved and to the uncertainty

as to the identity of said William Jackson's father, and to the fact that both the per capita records and the enrollment records show that said William Jackson died prior to Statehood, it is deemed advisable that a judicial determination of his heirs be secured, and you are hereby requested to have the necessary proceedings instituted. For your assistance, both in commencing such an action and in securing a decree, you will find enclosed photostat copies of the following instruments:

- 2 proofs of heirship for said William Jackson, deceased.
- 1 affidavit of Elam M. Ward as to the heirs of said William Jackson.
- 1 proof of heirship for Silas Jackson, deceased Choctaw Roll No. 14599.
- 2 proofs of heirship for Silas Jackson, deceased Choctaw Roll No. 2241.

Note: One of said proofs of heirship was made by Sallie Lowman, but was not approved by this office.

- 1 proof of heirship for Sampson Momintubbi, deceased Choctaw Roll No. 3890.
- 5 census cards showing enrollment of above named four decedents and of said Marie Lewis.
- 1 copy of testimony dated January 20, 1911, which is a part of the enrollment records pertaining to said William Jackson.
- 1 copy of will of Silas Jackson, of Valliant, Oklahoma, and
- 1 copy of order of court admitting said will to probate.

Mr. Robert E. Lee, attorney at law, Idabel, Oklahoma, filed said will and order, and in his letter transmitting same, he referred to the testator as Silas Jackson, Roll No. 2241. The records in the County Court of McCurtain County where said will was probated will assist you to determine whether Mr. Lee's identification is correct. The opinion of the office is that said testator's roll number is 14599, and that he was not the father of said William Jackson, deceased.

Respectfully,

Superintendent.

Choc 6095

Fannie Myrtle James

Aug. 1, 1914

6095



CHOCTAW (CLAIM BY BLOOD)

Fannie Myrtle James, 3/4 Blood, Female.

It appears from the records in this office and the testimony herein that Fannie Myrtle James, claimant herein, was born December 8, 1905, and is now living; that her father is Gilbert James, a 1/2 blood Chickasaw, Roll No. 4836; that her mother is Sallie James, now dead, a full-blood Choctaw, Roll No. 5343, enrolled as Sallie Clay; that on July 2, 1906, application was made for the enrollment of this claimant under the Act of Congress approved April 26, 1906, and her name was listed in Minor Choctaw Card No. 456; that on February 23, 1907, the Commissioner to the Five Civilized Tribes refused to enroll said claimant for the reason that the mother, Sallie James, could not be identified on the Choctaw rolls and no proof of marriage of the parents was furnished, and that on March 4, 1907, the Secretary of the Interior approved the action of the Commissioner.

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, December 23rd, 1910.

-----000-----

In the matter of the application for the enrollment of  
Fannie Myrtle James as a citizen by blood of the Choctaw Nation.

Proceedings had at McAlester, Oklahoma, December 1st,  
1910, before W. C. Pollock, Assistant Attorney, Interior Department.

Appearances (Ballinger & Lee, by Albert J. Lee, attorneys for  
claimant.  
(McCurtain & Hill, by D. C. McCurtain, attorneys for  
the Choctaw Nation.

Gilbert James, sworn and examined as a witness, testified  
as follows:

By Mr. Lee:

- Q State your name in full? A Gilbert James.  
Q How old are you? A Twenty-six.  
Q Where do you live? A It is my post office.  
Q Are you of Indian blood? A Yes sir.  
Q Choctaw or Chickasaw? A Chickasaw.  
Q How much Chickasaw? A Half.  
Q Are you on the final rolls of the Chickasaw Nation? A Yes sir.  
Q Do you remember your roll number? A No sir, I don't recollect  
it.  
Q Have you any children that are not on the rolls? A Yes sir.  
I got a brother there two years old that isn't enrolled.  
Q And you have Fannie Myrtle? A Yes sir.  
Q Is she on the rolls now? A No, no sir.  
Q How old is Fannie Myrtle James? A Why, she's right about going  
on six I think.  
Q What is the date of her birth? A December 8th, 1905.  
Q How do you know that's the date? A Well, I set it on the books  
so I would know.  
Q What book did you set it in? A Bible.  
Q What time did you write that there? A I don't remember just  
what time.  
Q How soon after the birth of the child? A A day or two.  
Q Is this the child here that you speak of (pointing)? A Yes sir.  
Q Who is the mother of Fannie Myrtle James? A Sallie Clay is the  
way she enrolled.  
Q Is she now living? A No sir, she's dead.  
Q When did she die? A She's been dead about two years ago; I for-  
got what date.

Fannie Myrtle James-----2

- Q Was she your wife? A Yes sir.  
Q Lawfully married to her? A Yes sir, by the Choctaw law.  
Q Was she of Indian blood? A Full blood, yes sir.  
Q Choctaw or Chickasaw? A Choctaw.  
Q Who attended your wife at the time this girl was born? A Well, it's a Granny woman, Nancy Brown.  
Q Where does she live? A Near Ti post office.

By Mr. McCurtain:

- Q Is this the first time you have made application for the enrollment of this child? A No sir, I have made application before, but somehow or other never got her on the roll.  
Q How did you make application? A Well, before a Notary at Ti there.  
Q Did you send the application in to the Dawes Commission at Muskogee? A Yes sir, and somehow or other they turned it down.  
Q Did you ever receive any letter from the Dawes Commission about the application you made? A No sir, I don't believe I did, but I don't recollect.  
Q How did you say its mother was enrolled, under what name? A Sallie Clay.  
Q She is enrolled as a Choctaw you say? A Yes sir.

By Mr. Pollock:

- Q Mr. James, what was your father's name? A Holson James.  
Q Do you know a Jacob James? A Yes sir.  
Q Who is he? A Brother of mine.  
Q And Moses James? A Yes sir.  
Q Joseph? A Yes sir.  
Q Cephus? A Yes sir.  
Q Ruthielane? A Yes sir.  
Q Is she a sister of yours? A Yes sir.  
Q And Miriam? A Yes sir.  
Q I find a Wilson H. James on the roll, do you know about him? A Yes sir, that's my father.  
Q That is the way your father's name is on the roll? A Yes sir, but they generally call him Holson around the country.

Opposite No. 4836 on the final roll of Chickasaws by blood appears the name of Gilbert James, twenty, male, half blood, census card No. 1221. On the same census card is the name Wilson H. James, Roll No. 4834.

- Q What was your wife's father's name? A Lubby, he's been dead a good while.  
Q He was dead before these rolls were made? A Yes, I think so.  
Q Do you know Andrew Clay? A Yes sir, he's a brother of my wife.  
Q Who was Gibson Clay? A That's Joe's brother.  
Q And Jincy? A She's a sister of Sallie.  
Q And Lizzie Clay? A Yes sir.  
Q And Kissie? A Yes sir.

Opposite No. 5343 on the final roll of Choctaws by blood appears the name Sallie Clay, fourteen, female, full blood, census card No. 1876, and on the same card are the names Andrew, Gibson, Jincey, Lizzie and Kissie Clay.

Fannie Myrtle James-----3

By Mr. McCurtain:

- Q Were you married to this woman Sallie Clay? A Yes sir, by the Choctaw laws.
- Q Married by a preacher? A Yes sir, by a preacher.
- Q What is the name of this child? A Fannie Myrtle.
- Q The child lives with you now? A Yes sir.
- Q And you married again? A Yes sir.
- Q Who had charge of the child after her mother died until you married again? A I had my mother taking care of her until I married this time.

By Mr. Pollock:

- Q When you made application before who signed the paper? A I believe both signed it; her mother and me both signed it.
- Q This was after your wife died? A Before, I believe it was. If I aint mistaken I believe that's before she was dead.
- Q That paper was made before a notary public at Ti? A Yes sir.
- Q Did your wife sign that paper? A Yes sir, I believe she did.
- Q And did the mid-wife sign any paper then? A No, I don't think she did.
- Q You didn't have any doctor when that child was born? A Seem to me like we had all of them sign too.
- Q The doctor? A Yes sir.

The child is present and appears to be about the age claimed.

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Note -

See Chickasaw Minor card No. 456 (Act Apr. 26, 1906).

Albert G. McMillan, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 1910.

*R. P. Harrison*

Clerk U. S. Court,

By *R. P. Harrison*  
Deputy.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 28, 1910.

Messrs. McCurtain & Hill,  
Moalester, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony pertaining to the application for the enrollment of Fannie Myrtle James as a citizen of the Choctaw Nation, taken in the course of my recent investigation.

Respectfully

Enc. L-246

Assistant Attorney.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 28, 1910.

Messrs. Rodgers & Clapp,

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony pertaining to the application for the enrollment of Fannie Myrtle James as a citizen of the Choctaw Nation, taken in the course of my recent investigation.

Respectfully,

Enc. L-247

Assistant Attorney.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 28, 1910.

Messrs. Ballinger & Lee,

Ardmore, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony pertaining to the application for the enrollment of Fannie Myrtle James as a citizen of the Choctaw Nation, taken in the course of my recent investigation.

Respectfully,

Enc. L-245

Assistant Attorney.

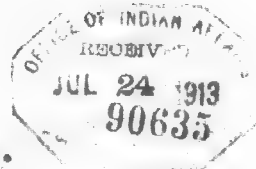


Choc 6096

Alphrus Johnson

Aug. 1, 1914

6096



MINOR CHOCTAW BY BLOOD.

Case No. 271.

Alphrus Johnson

The records of this office shows that no application was ever made for the enrollment of the claimant,

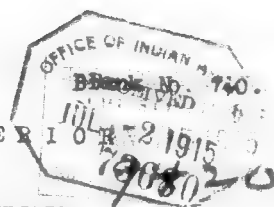
Alphrus Johnson within the time provided by law.

It appears from the testimony herein that said child is the son of Frances Johnson, Choctaw by Blood, Roll No. 2889, and Anthony Johnson, Choctaw by Blood, Roll No. 1393.

It further appears from said testimony that Alphrus Johnson was born February 23, 1906, and was living March 4, 1906.

Choc. 16238

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.



In the matter of the enrollment of Alphrus Johnson as a citizen of Choctaw Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name Anthony Johnson, Age 34 years, P.O. Lukata Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

He is my child

4. What are the names of the parents of such person?

Father: Anthony Johnson Mother: Gerencie Johnson

5. Webster Ballinger Atty. of Washington, D. C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. none

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. none

9. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment.

(Sign here) Anthony Johnson

Dated at Okla 23rd 1915

JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR  
Muskogee, Oklahoma, January 23, 1911.

In the matter of the application for the enrollment of  
Alphrus Johnson as a citizen by blood of the Choctaw  
Nation.

Proceedings had at Idabel, Oklahoma, January 6th, 1911,  
before Charles F. Bliss, Supervising District Agent.

Frances Johnson, being first duly sworn, testified as  
follows, through J. A. Franklin, sworn interpreter.

By Mr. Bliss:

- Q What is your name? A Frances Johnson.  
Q How old are you? A About twenty-four the first of the coming  
August.  
Q What is your postoffice address? A Garvin.  
Q Who is Sophina Billy? A Sister.  
Q Who is Robert Billy? A My brother.

An examination of the roll of citizens by blood  
of the Choctaw Nation shows that the name of Frances  
Billy is identified thereon at No. 2989, age 13,  
Census Card No. 1111.

- Q What is the name of your husband? A Anthony Johnson.  
Q Who is Billy Johnson? A I don't know.  
Q Who is Hilton? A That is his brother; he lives right out  
here in town.  
Q Who is Elsie Johnson? A That is his first wife.

An examination of the roll of citizens by blood of  
the Choctaw Nation shows at No. 1393 the name of  
Anthony Johnson, twenty-four years, and a full-blood.

- Q Have you any children entitled to enrollment who have not been  
enrolled? A Yes sir.  
Q What is the name of that child or children? A Alphrus Johnson.  
Q How old is Alphrus Johnson? A About six years old the best I  
can recollect.  
Q Is your present husband the father of Alphrus? A Yes sir.  
Q Is Alphrus living now? A Yes sir.  
Q Can you give me the date of his birth? A No sir; I can't  
Q Is he going to school? A No sir.  
Q How old will he be his next birth day? A He is just now going  
on six years old; he will be six his next birth day.  
Q When does his birthday come? A I don't know exactly, but there  
is a lady here who does know, I think.  
Q Was he born in the fall, spring, summer or winter? A He was  
born in the spring.  
Q He is almost six years old, then, is he? A Yes sir.

Witness excused.

-----

Mary Carn, being first duly sworn, testified as  
follows;

Alphrus Johnson----2.

- Q What is your name? A Mary Carn.  
Q How old are you? A Twenty-three/ X  
Q What is your postoffice address? A Glover.  
Q Are you acquainted with Frances Johnson, who was formerly Frances Billy? A Yes sir.  
Q Do you know her child, Alphrus Johnson? A Yes sir.  
Q Is he living now? A Yes sir.  
Q How old is he? A Six years old.  
Q Do you know the time of the year in which he was born? A Yes.  
Q What time? A February 23, 1906.  
Q Was he born about the same time your child was born? A Yes sir.  
Q How much difference is there in their ages? A Frances' child is the oldest but I can't remember just how much.  
Q Were they born in the same month? A Yes sir.  
Q And that was in 1906? A Yes sir.  
Q In February? A Yes sir.

Witness excused.

-----  
Vester W. Rose, being first duly sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Subscribed and sworn to before me this 24th day of January, 1911.

*Vester W. Rose*  
*Edward C. Herrick*  
Notary Public.

Choc 6097

Solomon King

Aug. 1, 1914

6097

MINOR CHOCTAW BY BLOOD.

Case No. 293.

Solomon King, Male, Full-blood.

It appears from the evidence introduced, which consists of affidavits only that Solomon King is the minor son of Jesse King, a full-blood Choctaw, Roll No. 10775, and Alice King, a full-blood Choctaw, Roll No. 9837; that said child was born December 24, 1905, and was living at the time of the execution of said affidavits, which was January 9, 1911.



Choctaw Jacket 293

In matter enrollment  
of  
Solomon King as  
Choctaw Citizen

Affidavit of  
N. W. Perkins

Apple & Franklin  
Ardmore, Okla.

Attys. for Applicant.

(COPY)

AFFIDAVIT.

STATE OF OKLAHOMA )  
COUNTY OF ATOKA ) S.S.

On this 20 day of January 1911, before me the undersigned Notary Public, in and for said County and State, personally appeared N W Perkins of a Caney, who is of lawful age and deposes and says; That he is personally acquainted with Jesse and Alice King who are fullblood Choctaw Indians, and that he has known them for 25 years, and that they belonged to what is known as the "Snake Band" of Indians, up to a short time ago, and that they refused to accept their allotment certificates when they were forwarded to them by the Dawes Commission, and that they were opposed to the allotment of lands.

Witness my hand the day first above written.

NOAH PERKINS

Subscribed and sworn to before me on this 20 day of January 1911.

R. C. Savage  
Notary Public

(SEAL)

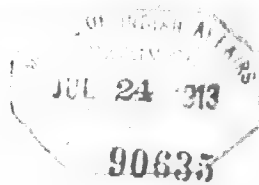
My commission expires.

Dec 15 1912

Christie Jack 293  
In matter enrollment  
of  
Solomon King as  
Choctaw Citizen

Affidavit of  
N. W. Perkins

Applet Franklin  
Ardenore  
Okla.  
Atty. for Applicant.



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N. D.

AFFIDAVIT.

STATE OF OKLAHOMA )  
                              ) S. E.  
COUNTY OF ATOKA     )

On this 20 day of January 1911, before me the undersigned  
Notary Public, in and for said County and State, personally appeared N  
W Perkins of A Caney, who is of lawful age and  
deposes and says; That he is personally acquainted with Jesse and Alice King  
who are fullblood Choctaw Indians, and that he has known them for 25 years,  
and that they belonged to what is known as the "Snake Band" of Indians, up  
to a short time ago, and that they refused to accept their allotment certi-  
ficates when they were forwarded to them by the Dawes Commission, and that t  
they were opposed to the allotment of lands.

Witness my hand, the day first above written.

Noah Perkins

Subscribed and sworn to before me on this 20 day of January 1911.

R B Savage  
Notary Publi.

My Commission expires.

Dec 15 1912

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Mr. C. F. Bliss,  
Supervising District Agent,  
Muskogee, Oklahoma.

Sir:

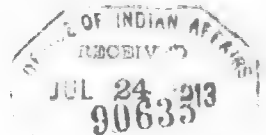
I am enclosing proofs filed in the claim of Solomon King for recognition as a member of the Choctaw Nation. I think this case was not presented and that this paper constitutes the only proof made. Will you please have a jacket made for this case and properly examined in connection with the records of the Commissioner to the Five Tribes, if that be necessary.

Very respectfully,

W. C. Pollock

Assistant Attorney.

DEPARTMENT OF THE INTERIOR.



In the matter of the enrollment of Solomon King as a new born Choctaw citizen by blood.

PROOF OF BIRTH.

STATE OF OKLAHOMA,) ss.  
Atoka County.

I, Alice King, being first duly sworn, on my oath, state that I am 28 years of age; that my post office address is Boggy Voca, Depot, Oklahoma; that I am a full blood citizen of the Choctaw Nation or tribe of Indians, and am the lawful wife of Jesse King, who is also a full blood citizen of said Nation; that there was born to me on the 24th day of December, 1905, a male child; that said child has been named Solomon King, and is now living.

Witness

Alice King

Subscribed and sworn to before me this 9 day of January, 1911.

My commission expires

Dec 15-1912

R. E. Savage  
Notary Public.

STATE OF OKLAHOMA,) ss.  
ATOKA COUNTY.

I, Eliza Hall, being first duly sworn, on oath, state that I am 60 years of age; that my post office address is Wichita, Okla; that I attended as midwife Alice King, wife of Jesse King on the 24th day of December, 1905, when there was born to her a male child; that said child has been named Solomon King, and is now living. Affiant further states that said Alice King and Jesse King are full blood Indians, and members of the Choctaw tribe.

Witness:

Robert A. Hall  
L. E. Eddy

Eliza Hall  
mark

Subscribed and sworn to before me this 9 day of Jan., 1911.

My commission expires

Dec 15-1912

R. E. Savage  
Notary Public.

Good 0778  
Alice 9837



# CORRECTION

**THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY**

No. ~~Chas~~ <sup>#</sup> 293

In re enrollment as a  
Choctaw citizen  
of  
Solomon King.

---

Proof of Birth.

APPLE & FRANKLIN  
ATTORNEYS-AT-LAW  
ARDMORE, OKLAHOMA

DEPARTMENT OF THE INTERIOR.

In the matter of the enrollment of Solomon King as a citizen  
by blood of the Choctaw Nation.

STATE OF OKLAHOMA, )  
                          ) SS  
ATOKA COUNTY.      )

A F F I D A V I T

I, Jesse King, being first duly sworn, on oath state that I  
am 35 years of age; that my post office address is Boggy Depot, Voca,  
Oklahoma; that I am a full blood Choctaw Indian and the lawful hus-  
band of Alice King, also a full blood Choctaw Indian; that there was  
born to us on the 24th day of December, 1905, a male child, who has  
been named Solomon King; and that said child is now living with us  
at our home near Boggy Depot, Oklahoma.  
Witness:

Jesse King

Subscribed and sworn to before me this 9 day of January,  
1911.

My commission expires

Dec 15 1912

R. S. Savage

Notary Public.

STATE OF OKLAHOMA, )  
                          ) SS.  
ATOKA COUNTY.      )

A F F I D A V I T

We, Robertson Hall and Sallie Mitchell  
of lawful age, being first duly sworn, on oath state that our post-  
office address is Voca, Okla; that we are personally ac-  
quainted with Alice King and Jesse King, full blood Choctaw Indians  
who reside near Boggy Depot, Oklahoma; that we have known them for  
10 years and we are also acquainted with their minor son, Solomon  
King, whom we know to be living with his parents, and that said boy  
is more than five years old at this time. We do not remember the ex-  
act date of his birth, but we were living neighbors to them at the  
time, and we are positive that said child is over five years old.  
Witness:

Robertson Hall

Sallie Mitchell

Subscribed and sworn to before me this 9 day of January, 1911.

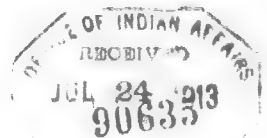
My commission expires

Dec 15 1912

R. S. Savage

Notary Public.

DEPARTMENT OF THE INTERIOR.



In the matter of the enrollment of Solomon King as a new born Choctaw citizen by blood.

PROOF OF BIRTH.

STATE OF OKLAHOMA,) ss.  
Atoka County.

I, Alice King, being first duly sworn, on my oath, state that I am 28 years of age; that my post office address is Boggs, Okla, Depot, Oklahoma; that I am a full blood citizen of the Choctaw Nation or tribe of Indians, and am the lawful wife of Jesse King, who is also a full blood citizen of said Nation; that there was born to me on the 24th day of December, 1905, a male child; that said child has been named Solomon King, and is now living.

Witness

Alice King

Subscribed and sworn to before me this 9 day of January, 1911.

My commission expires

Dec 15-1912

R. L. Savage  
Notary Public.

STATE OF OKLAHOMA,) ss.  
ATOKA COUNTY.

I, Eliza Hall, being first duly sworn, on oath, state that I am 60 years of age; that my post office address is Wich, Okla; that I attended as mid wife Alice King, wife of Jesse King on the 24th day of December, 1905, when there was born to her a male child; that said child has been named Solomon King, and is now living. Affiant further states that said Alice King and Jesse King are full blood Indians, and members of the Choctaw tribe.

Witness:

R. L. Savage  
L. E. Eddy

Eliza Hall  
mark

Subscribed and sworn to before me this 9 day of Jan., 1911.

My commission expires

Dec 15-1912

R. L. Savage  
Notary Public.

Jan 0778  
Alice 9837

Chor.  
16239

RECEIVED  
MAY 27 1915  
BANK OF AMERICA

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Solomon King as a citizen of \_\_\_\_\_ Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name L. E. Eady, Age \_\_\_\_\_ years, P.O. Box 657 Ardmore Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Guardian

4. What are the names of the parents of such person?

Father: (See records) Mother: (See records)

5. Walter Ballinger Atty. of Washington Dc has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. No. None whatever know me know of the existence of this party until I was appointed guardian of him.

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No

Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment.

None with Ballinger - Contract was with Apple & Hankins but already filed

(Sign here) L. E. Eady

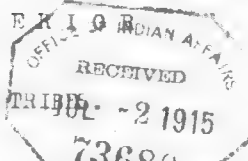
Dated at Ardmore Okla  
May 24 1915

Sho  
16239

MAY 27 1915

Blank No. 760

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES



In the matter of the enrollment of Solomon Remy as a citizen of \_\_\_\_\_ Nation, under the act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name L. E. Eddy, Age \_\_\_\_\_ years, P.O. 657

Admore  
Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Guardian

4. What are the names of the parents of such person?

Father: (See records)

Mother: (See records)

5. Apple Franklin + Vin Ware Attys of Admore Okla has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. yes

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No.

8. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. Contracts entered into with the above

attorneys as per copy attached to their claim

(Sign here)

L. E. Eddy  
gent.

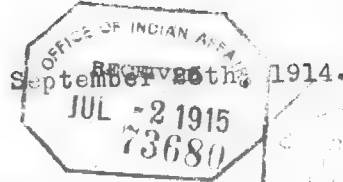
Dated at

Admore Okla  
May 24 1915

S. A. APPLE

WIRT FRANKLIN

**APPLE & FRANKLIN**  
ATTORNEYS AND COUNSELORS AT LAW  
ARDMORE, OKLAHOMA



Hon. Dana H. Kelsey, Supervisor,  
Muskogee, Oklahoma.

Dear Sir:

We hand you herewith, the claim of Apple &  
and Charles von Weise, for fees account legal services rendered  
Solomon King, who was recently enrolled as a citizen of the  
Choctaw Nation. Contract referred to in the claim is also  
enclosed.

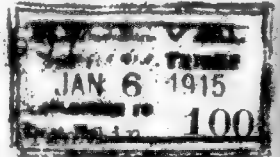
Kindly acknowledge receipt of enclosures.

Very truly yours,

APPLE & FRANKLIN.

By

A.



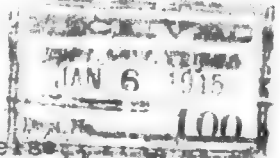


DEPARTMENT OF INTERIOR  
UNITED STATES INDIAN SERVICE  
UNION AGENCY- OKLAHOMA.

00000000000000

In the matter of enrollment of Solomon King, as a citizen by blood, of the Choctaw Nation, under the act of 1914.

ATTORNEYS' CLAIM FOR FEES.



The claimants, Apple & Franklin, and Charles von Weise, attorneys, of Ardmore, hereby make claim through the Department of Interior, against Solomon King, who was enrolled as a Choctaw Indian, by blood, under the act of Congress approved August 1st, 1914, for fees provided for in the employment contract with the said Solomon King, acting through his guardian, in the amount set out in said contract which is attached hereto and made a part of this claim. Said contract was regularly submitted to the Probate Court of Atoka County, Oklahoma, and was by the County Judge of said County, examined and approved.

The claimants further state that they have rendered the services agreed upon and otherwise faithfully performed their part of said contract; that the services of attorneys was indispensable to the claim of said Indian to enrollment as a Choctaw Indian; that said attorneys were experienced in and familiar with Indian citizenship conditions in the Five Civilized Tribes and that it was through their efforts during the past seven years in which the five civilized tribal rolls have been closed and this Indian finally admitted to citizenship under the act of Congress passed as above mentioned.

Claimants further state that under their contract in this case no accurate account of expenses was to be kept and none was kept of the amount which might be chargeable against said Solomon King, but it is estimated that there was expended by said attorneys in the procurement of evidence and expenses of witnesses and the appointment of guardian etc, the sum of about \$150.00.

Wherefore, said attorneys ask that the Secretary of Interior under authority conferred upon him by Act of Congress approved August 1st, 1914, pay them the fees agreed upon in the attached contract after he has made such examination as he may deem necessary as to whether said attorneys have performed their services and as to whether or not the enrollment of said Indian, at this time, is not the direct result of their efforts in his behalf.

STATE OF OKLAHOMA. )  
CARTER COUNTY. )

*Apple & Franklin and  
Chas. von Weise, by S. Apple*

I, S. A. Apple, one of the above mentioned attorneys, state upon oath that the matters and facts set forth in the foregoing statement are true and correct as I verily believe.

Subscribed and sworn to before me,  
a Notary Public, in and for said County  
and State, this 25 day of September, 1914.

*S. Apple*

*W. H. Harrell*  
Notary Public.

My commission expires:

*Feb. 12 1915*

Sept. 25-14

Copy of contract will be supplied

---

Solomon King

Choctaw — 1914

---

Attorneys' Claim —

---

Apple T. Franklin

Admore Okla.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Ardmore, Okla. May 3, 1911.

Hon. W. C. Pollock,

Assistant Attorney General, Interior Department,

Washington, D. C.

Dear Sir:

When we were in Washington in February 23 understood from you that the Department would most likely in a short time thereafter conduct further examinations into Choctaw and Chickasaw enrollment cases. In two or three of the cases in which we are attorneys for the Indian applicants you thought your office would want more evidence.

In the application for the enrollment of Solomon King, a full blood Choctaw minor, we followed the form used in the enrollment of new borns and minors under the Acts of 1905 and 1906. This we presumed would be ample, but if you require further proof we wish you would direct the Indian Agent at Atoka, Okla., or some other representative of the Department, to take such evidence, for we are anxious that this case be made complete so that you can report the name of Solomon King for enrollment when our full report is submitted.

The Joe Camp case is another in which you would likely require more evidence. We have spent much time in trying to find witnesses who are acquainted with this boy's condition and status. It is difficult to improve upon the evidence we now have, although we have the name of one witness who knew the boy as an infant, knew him to be Dixon Camp's son, but could not now identify him; in fact, there are several such witnesses. Joe Camp is an orphan, as you will remember, and has been reared by white people away from the place of his birth.

Arde Lewis is an intermarried citizen, proof being on file to that effect, but because she did not make a certain appearance before the Dawes Commission she was not enrolled. We want now to develop her application by completing any proof wanted.

Kindly inform us whether further evidence will be wanted in all these cases?

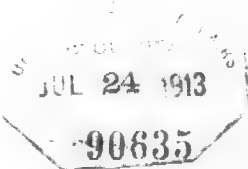
Yours very truly,

APPLE & FRANKLIN

DEPARTMENT OF THE INTERIOR

WASHINGTON

ADDRESS ONLY  
THE SECRETARY OF THE INTERIOR



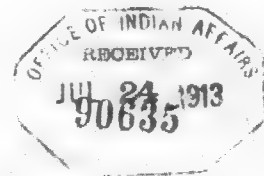
Mr. C. F. Bliss,  
Supervising District Agent,  
Muskogee, Oklahoma.

Sir:

I am enclosing proofs filed in the claim of Solomon King for recognition as a member of the Choctaw Nation. I think this case was not presented and that this paper constitutes the only proof made. Will you please have a jacket made for this case and properly examined in connection with the records of the Commissioner to the Five Tribes, if that be necessary.

Very respectfully,

*W. Pollock*  
Assistant Attorney.



**MINOR CHOCTAW BY BLOOD.**

**Case No. 293.**

**Solomon King, Male, Full-blood.**

It appears from the evidence introduced, which consists of affidavits only that Solomon King is the minor son of Jesse King, a full-blood Choctaw, Roll No. 10778, and Alice King, a full-blood Choctaw, Roll No. 9837; that said child was born December 24, 1905, and was living at the time of the execution of said affidavits, which was January 9, 1911.

S. A. APPLE

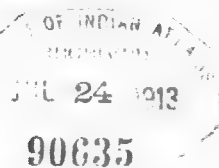
WIRT FRANKLIN

**APPLE & FRANKLIN**

ATTORNEYS AND COUNSELORS AT LAW

ARDMORE, OKLA.

May 3, 1911.



Hon. W. C. Pollock,

Assistant Attorney General, Interior Department,  
Washington, D. C.

Dear Sir:

When we were in Washington in February we understood from you that the Department would most likely in a short time thereafter conduct further examinations into Choctaw and Chickasaw enrollment cases. In two or three of the cases in which we are attorneys for the Indian applicants you thought your office would want more evidence.

*Choctaw  
filed  
293*

In the application for the enrollment of Solomon King, a full blood Choctaw minor, we followed the form used in the enrollment of new borns and minors under the Acts of 1905 and 1906. This we presumed would be ample, but if you require further proof we wish you would direct the Indian Agent at Atoka, Okla., or some other representative of the Department, to take such evidence, for we are anxious that this case be made complete so that you can report the name of Solomon King for enrollment when your full report is submitted.

The Joe Camp case is another in which you would likely require more evidence. We have spent much time in trying to find witnesses who are acquainted with this boy's condition and status. It is difficult to improve upon the evidence we now have, although we have the name of one witness who knew the boy as an infant, knew him to be Dixon Camp's son, but could not now identify him; in fact, there are several such witnesses. Joe Camp is an orphan, as you will remember, and has been reared by white people away from the place of his birth.

Arle Lewis is an intermarried citizen, proof being on file to that effect, but because she did not make a certain appearance before the Dawes Commission she was not enrolled. We want now to develop her application by completing any proof wanted.

Kindly inform us whether further evidence will be wanted in all these cases?

Yours very truly,

*Apple & Franklin*



Choc, 6098

Benjamin Franklin McKinney

Aug. 1, 1914

6098

(COPY)

Received Jan 9 1911  
Enclosure to No. 1412

Pauls Valley Oklahoma, January 4, 1911.

Additional testimony in the matter of the enrollment of Benjamin Franklin McKinney, deceased.

This is to certify that I, Bennett Amos, am a brother of Dora Amos, a Citizen of the Mississippi Choctaw Nation Roll No. 785; that I am a brother in law of John McKinney, a Citizen of the Choctaw Nation Roll No. 12229; that I am an uncle by blood of Benjamin Franklin McKinney, whose claim for enrollment as a Citizen of the Five Civilized Tribes, Has been submitted to the Department; further that John McKinney, was the father and Dora Amos, the mother of the claimant Benjamin Franklin McKinney; that the said Benjamin Franklin McKinney, resided with his mother Dora Amos, from the date of birth until his death. I further certify that the said Benjamin Franklin McKinney, was born February 2, 1905, and died August 8, 1906; further that Dora Amos, is now divorced from John McKinney, but that John McKinney, was the father and Dora Amos, the mother of the said Benjamin Franklin McKinney, deceased.

Bennet Amos

State of Oklahoma )  
Garvin County. ) ss

Subscribed and sworn to before me this the 4th,  
day of January 1911.

SEAL

A. G. Dickinson  
Notary Public.

My Commission Expires Aug. 20, 1913

My Commission expires.

(COPY)

Received Jan 9 1911  
Enclosure to No. 1412.

Pauls Valley Oklahoma, January 4, 1911.

Additional testimony in the matter of the enrollment of Benjamin Franklin McKinney.

This is to certify that I, Cleveland Amos, am a brother of Dora Amos, a Citizen of the Mississippi Choctaw Nation Roll No. 785; that I am a brother in law of John McKinney, who was the husband of Dora Amos, a Citizen of the Choctaw Nation Roll No. 12229, and that I am an uncle of the Claimant Benjamin Franklin McKinney; that the said Benjamin Franklin McKinney, resided with his mother Dora Amos, from the date of his birth until his death; that the said Benjamin Franklin McKinney, was born February 2, 1905 and died August 8, 1906; further that Dora Amos, is now divorced from John McKinney; and that the address of John McKinney, is unknown. I further certify that John McKinney, was the father and that Dora Amos was the mother of Benjamin Franklin McKinney, deceased.

Cleveland Amos.

State of Oklahoma )  
Garvin County. ) ss

Subscribed and sworn to before me this the 4th,  
day of January 1911.

My Commission Expires.

A. G. Dickinson  
Notary Public.

SEAL

My Commission Expires Aug. 20, 1913

(COPY)

Received Jan 9 1911  
Enclosure to No. 1412

Pauls Valley Oklahoma, January 4, 1911.

Additional testimony in the matter of the enrollment of Benjamin Franklin McKinney, deceased.

This is to certify that I, Dora Amos, am the mother of Benjamin Franklin McKinney; that at the time of the birth of said Benjamin Franklin McKinney; I was the wife of John McKinney, a Citizen of the Choctaw Nation Roll No. 12229; and that subsequent to the death of Benjamin Franklin McKinney that I secured a divorce from John McKinney; that I am a Citizen of the Mississippi Choctaw Nation and enrolled opposite No. 785.

I further certify that the said Benjamin Franklin McKinney, was born February 2, 1905, and died August 8, 1906; that the claimant resided with me from the time of his birth until his death in August 1906.

The reason that I did not take action in the matter looking towards the enrollment of the claimant was that, John McKinney, who was my husband at that time, stated that he would attend to the matter.

her  
Dora Amos X  
mark.

State of Oklahoma )  
                                  ) ss  
Garvin County,        )

Subscribed and sworn to before me this the 4,  
day of January 1911.

My Commission Expires Aug. 20, 1913 A. G. Dickinson  
Notary Public.

SEAL

My Commission expires.

Witness to Signature

D. Norman, Pauls Valley, Okla.  
Cleveland Amos, Story, Okla.

CHOCTAW BY BLOOD.

Case No. 287.

Benjamin Franklin McKinney, Male, 1/2 Blood.

It appears from the records of this office and from the testimony herein that Benjamin Franklin McKinney is the child of Dora Amos, Mississippi Choctaw, Roll No. 785, and John McKinney, Choctaw by Blood, Roll No. 2229, and that said child was born February 2, 1905, and died August 8, 1906.

Subject:  
Requests information.

*Paul A. Smith*  
*SR*  
Muskogee, Oklahoma, October 22, 1910.

Mr. John McKinney,  
Pauls Valley, Oklahoma.

Sir:

Further information respecting your son, Benjamin Franklin McKinney, said to have been born February 2, 1905, and to have died August 8, 1906 is desired.

As the name John McKinney appears on the roll more than once let me know your enrollment number.

Is the mother of Benjamin Franklin McKinney enrolled; if yes, what name and number?

If the mother be not an enrolled citizen, procure the record of your marriage to her, or if no record of your marriage exists, procure the affidavits of two disinterested witnesses in addition to the affidavits of yourself and wife as proof of your marriage to the mother of the minor child. A prompt response is requested.

Penalty envelope which requires no postage, is enclosed herewith for your reply.

Respectfully,

GR(JCL)

*W. C. Pollock*  
Assistant Attorney Interior Department.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 23, 1910.

Messrs. Ballenger & Lee,  
Ardmore, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Houston McDaniel et al., as Mississippi Choctaws, taken in the course of my investigation.

Respectfully,

Enc. L-233

Assistant Attorney.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 23, 1910.

Messrs. McCurtain & Hill,  
McAlester, Oklahoma.

Sirs:

There is enclosed herewith copy of testimony respecting the enrollment of Houston McDaniel et al., as Mississippi Choctaws, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.-234

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 23, 1910.

Messrs. Rodgers & Clapp,

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of Houston McDaniel et al., as Mississippi Choctaws, taken in the course of my investigation.

Respectfully,

Enc. L-235

Assistant Attorney.

COPY

*Letter written  
Daniel A. Crafton  
12/11/10 [Signature]*

Mr. Bliss:

Perhaps the Asst Dist  
Agt may give information con-  
cerning this case.

I talked to him on  
the general subject of these  
investigations and he seemed  
to comprehend.

Pollock

Dec. 11

Choc 6099

Willis Polk

Aug. 1, 1914

6099

CHOCTAW BY BLOOD.

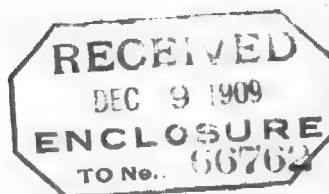
Case No. 19.

Willis Polk, Male, Full-blood.

An examination of the records of the office of the Commissioner to the Five Civilized Tribes fails to show any application for the enrollment of the claimant herein Willis Polk, within the time provided by law.

It appears from the testimony herein and from the records of this office that Willis Polk, claimant herein, is the child of Cephus Kepo, a full-blood Chickasaw, Roll No. 3630, and Mary Polk, a full-blood Choctaw, Roll No. 10852, and that Willis Polk was born November 9, 1905, and is now living.

General



Hugo, Oklahoma, December 7, 1909.

Subject:  
Right of Willis  
Polk to enrollment.

Hon. Dana H. Kelsey,  
United States Indian Superintendent,  
Muskogee, Oklahoma.

Sir:

There are enclosed herewith affidavits relative to the right of enrollment of Willis Polk, a minor, born on the 19th day of November, 1905, together with a picture of this minors father and mother.

From the information at hand, it appears that this family go by the name of Polk, but that the father is enrolled as Cephus Kepg, upon the Chickasaw Roll, opposite No. 3630, while Mary Polk, the mother, is enrolled upon the Choctaw roll, opposite No. 10852.

They state that they belonged to a band of Snake Indians, and in view of instructions given them by their leader they never made application for the enrollment of this child.

I am submitting the matter to you, with the request that you forward it to the proper parties, with a view of having this party placed upon the rolls, if possible, as from the picture you will have no doubt as to his blood and

age.  
EL. ENCL.

Respectfully,  
*E. H. Kelsey*  
District Agent.

(COF)

Received Dec 9 1909  
Enclosure to No. 66762

AFFIDAVIT:

State of Oklahoma, )  
                              ) ss.  
County of Choctaw. )

Affidavit of Cephus Kepo, of Cade, Oklahoma, of lawful age, being first duly sworn upon his oath testifies as follows:

There was born to Mary Polk, a full-blood citizen of the Choctaw Nation, roll number 10852, by me, Cephus Kepo, a child on the 19th day of November, 1905, which we named Willis Polk. This child has never been enrolled for the reason that I was connected with the Snake Band of Indians and their leader had forbidden us to have anything to do with the Commission to the Five Civilized Tribes, I, therefore, never made application for the enrollment of this child.

I am enrolled opposite No. 3630, as a full-blood citizen of the Chickasaw Nation or Tribe of Indians.

I hereby make application, through Charles Knapp, U. S. District Agent, for the enrollment of this child, which is entitled to be enrolled and receive the benefits of such enrollment.

Name written by Earl Lockwood  
at request of signer, who cannot write and in his presence.

his  
Cephus X Kepo  
mark

Subscribed and sworn to before me this the 4th day of  
December, 1909.

SEAL

Earl Lockwood  
Notary Public

My commission Expires Sept. 4, 1912.



(COPY)

Received Dec 9 1909  
Enclosure to No. 66762

AFFIDAVIT:

State of Oklahoma, )  
                          ) ss.  
County of Choctaw. )

Affidavit of Phillip Johnson, of lawful age, being first duly sworn, upon his oath testifies as follows:

I have known Mary Polk and Cephus Kepo for the past thirty years, and know that Mary Polk is a full-blood Choctaw and Cephus Kepo a full-blood Chickasaw, and that there was born to them in the month of November, 1905 a child, which they named Willis Polk, the said child is still living.

These parties go by the name of Polk, although the husband and father is enrolled upon the Chickasaw roll, as Cephus Kepo.

The reason that the above named parties did not enroll this child was that they belonged to a Snake Band of Indians and their leader had forbidden them from having anything to do with the Commission to the Five Civilized Tribes.

I know personally that this child is entitled to receive the benefits due him by being placed upon the rolls, and if there is any possible way for placing him thereon it should be done, as he is not responsible for the action of his parents.

Phillip Johnson  
Affiant.

Subscribed and sworn to before me this the 27<sup>th</sup> day of  
December  
November, 1909.

Earl Lockwood  
Notary Public.

SEAL

My Com. Expires Sept 4, 1912.

DEPARTMENT OF THE INTERIOR,  
Muskogee, Oklahoma, December 9, 1910.

---

In the matter of the application for the enrollment of  
WILLIS POLK as a full-blood minor citizen of the Choctaw  
Nation.

---

Proceedings had before W. C. Pollock, Assistant Attorney  
Interior Department, at Hugo, Oklahoma, November 15, 1910.

---

CEPHUS K. POLK, being sworn and examined as a witness,  
testified as follows:

Through Sampson C. McKinney, Official Inter-  
preter for District Agent at Hugo.

Examination by Mr. Polk:

- Q What is your name? A Cephus K. Polk.  
Q What is your postoffice address? A Cade.  
Q How old are you? A I don't know my age, there's no one  
ever tell me what my correct age was.  
Q Are you a Choctaw citizen? A I am a member of the  
Chickasaw.  
Q A full-blood? A Yes sir.  
Q What is it you want to see about today? A The matter of  
enrolling that child over there (pointing) was taken up  
about a year ago.  
Q What is the boy's name? A Willis Polk.  
Q How old is he? A Next Saturday will be five years old.  
Q What is the mother's name? A Mary Polk.  
Q Is she a Chickasaw? A She is a Choctaw.  
Q Full-blood? A Yes.  
Q Was there any doctor there when the child was born? A No  
sir, there was not.  
Q Was there any woman with your wife when the boy was born?  
A No sir, there was no one.  
Q Have you any writing to show when the boy was born? A Yes  
Q Where is that and what is it? A It is at home.  
Q Is it written down in a book? A Just on a small piece of  
paper.  
Q Who wrote that down? A Loren Polk, one of my children.  
Q Did you ever apply to have this boy enrolled? A Those  
who were advocating getting their land back advised us not  
to go and make application for enrollment of this child,  
neither accept any money that was coming in and, therefore,  
we abided by their advice.  
Q Who told you that? A They are members of the Muskogee  
Tribe--- Creek Indians.  
Q Was it Harjo? A Yes, I think it was at that time.  
Q Did they tell you this before the boy was born or after?

Appl. for enroll. of  
Willis Polk as a minor  
Choctaw-----2

A It was before it was born. The reason why we didn't allot land was on account of advice we received from the members of that band, and about that time we were even advised not to participate in any of the funds derived from these townsite moneys and anything due the Indian tribes, and also it was on those conditions that we didn't take allotments and we was delayed somewhat in selecting the land.

- Q Did you select your own allotment finally? A Yes.  
Q Did you go before the Dawes Commission when you were enrolled A Yes.  
Q Was this Crazy Snake's band that you talk of? A Yes.  
Q Did you belong to that Crazy Snake Band? A Yes, but I have quit.  
Q Do you want this boy enrolled as a Choctaw or as a Chickasaw? A Want him enrolled as a Choctaw.  
Q Is his mother enrolled as a Choctaw? A Yes.  
Q Who is Loren Polk? A My child.  
Q Who is Joseph Polk? A Another of my children.  
Q Have you other children? A These two here (pointing to 2 children in the room).

Statement:

The name of Mary Polk is found opposite No. 10852 on the final roll of citizens by blood of the Choctaw Nation, age 33, full-blood and opposite No. 10853 is Loren Polk and opposite No. 10854 is Joseph Polk, census card 3847.

- Q How old is Joseph? A I think he is in the neighborhood of 18 years of age.  
Q How old was Joseph when Willis was born? A No answer.

Statement by Interpreter:

Cephus says his real name is Cephus Kepo instead of Cephus K. Polk.

Statement by Mr. Pollock:

Opposite No. 3630 on the final roll of citizens by blood of the Chickasaw Nation appears the name of Cephus Kepo, male, full-blood, census card 1246.

- Q What was your real name? A Cephus Kepo.

Witness Excused.

MARY POLK, being duly sworn and examined as a witness, testified as follows:

Through Sampson McKinney, Official Interpreter  
for District Agent at Hugo.

Examination by Mr. Pollock:

- Q What is your name? A Mary Polk.

Appli. for enroll. of  
Willis Polk as a minor  
Choctaw-----3

- Q Are you the wife of Cephus Kepo or Cephus K. Polk? A Yes  
Q What is the name of the boy you are applying for now?  
A Willis.  
Q How old is Willis? A Five  
Q Do you remember what he was born? A November, 19th day.  
Q November 19th? A Yes.  
Q What year? A 1905.  
Q Why didn't you make application for him then right after  
he was born? A At that time, as was stated before, we  
belonged to the bands and we were instructed not to  
enroll, but at the same time we received a paper--- papers  
prepared for us to sign and send back to be enrolled  
but we didn't do it at that time.  
Q What did you do with that paper? A That was notice to  
make application, it is at home if it isn't lost.  
Q You are sure the boy is five years old? A Yes.  
Q Next Saturday? A Yes.  
Q What other children have you? A Loren, the oldest,  
and Joseph.  
Q And then Willis? A Yes.

By Peter Hudson:

- Q What is the age of the baby you have with you? A Two years  
old last July.

By Mr. Pollock:

- Q How old was Willis when the baby was born? A Past two  
years of age.

Statement:

The boy Willis is present and shows clearly to be  
Indian, and it was explained to the parents that a report  
would be made to the Secretary of the Interior and by him to  
Congress, and that no enrollment could be made unless Congress  
directed it.

I, Cora Moore, Stenographer to the Commissioner to the  
Five Civilized Tribes, on oath state that the above  
and foregoing is a true and correct transcript of the evidence  
given in the above entitled cause, as dictated to me by  
Albert G. McMillan from his stenographic notes.

Cora Moore

Subscribed and sworn to before me December 9, 1910.

R. P. HARRISON, Clerk,

By W. B. Harrison

Deputy.

(COPY)

Hugo, Oklahoma, November 4, 1910.

Mary Polk,

Bennington, Oklahoma.

Madam:

Relative to your application for the enrollment of your son, who was inadvertently left off the rolls, I beg to advise that a representative of the Department of the Interior will be here on Tuesday, November 15, 1910, at which time you should meet him, having this letter with you, also the child that was left off the rolls.

Kindly advise me on the bottom of this letter whether or not you can comply with this request.

Respectfully,

District Agent.

(COPY)

Cade, Okla  
Nov. 11-1910.

Chas. Bozarth, District Agent.

Dear Sir:

I recd your letter some time ago and was very glad to  
hear and we want come on thustady Nov-15 if nothing hapen  
wen if nothing hapen we will be suer and come this is all

your truly

Mary Polk

Cade Okla.

*Testimony taken at Hugo*  
*delivered*  
*Mary Polk*  
*Oct 1 19*

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 16, 1910.

Messrs. Rodgers & Clapp,

Muskogee, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the claim of Willis Polk to me enrolled as a minor Choctaw, taken in the course of my investigation.

Respectfully,

Enc. L-141

Assistant Attorney.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 16, 1910.

Messrs. McCurtain & Hill,

McAlester, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the claim of Willis Polk to be enrolled as a minor Choctaw, taken in the course of my investigation

Respectfully,

Enc. L-142

Assistant Attorney.



X Will's Polk, 90335, not enrolled

100

you see my name  
in it why? I'm  
not a member of  
the club  
I'm not a member  
of the club  
I'm not a member  
of the club

CORRESPONDENCE

ADDRESS

Mother. Picture on the  
side, represents some  
my typical of our  
latter part of the  
and he promised to  
come over but  
did not. Charles  
was just against me  
by your father who  
all began and the outcome will be all of it.

M. Lockwood

Thatcher

Orla

Choc 6100

William F. Robinson

Aug. 1, 1914

6100

CLAIM CHOCTAW BY BLOOD EXCEPT LAVONIA ROBINSON  
WHO CLAIMS AS CITIZEN BY MARRIAGE.

Case No. 29.

William F. Robinson, Male, 3/8 Blood  
Lavonia Robinson, Female, I. W.  
Alica Robinson, Female, 3/16 Blood  
Alpha Robinson, Female, 3/16 Blood  
Ada B. Robinson, Female, 3/16 Blood  
James William Robinson, Male, 3/16 Blood  
Emeline Robinson, Female, 3/16 Blood  
Mary Ola Robinson, Female, 3/16 Blood.

It appears from the records of this office that application was made for the enrollment of all of the claimants here, except Mary Ola Robinson, on January 18, 1904; that the Commission to the Five Civilized Tribes, on June 26, 1904, declined to receive or consider said application; that on May 14, 1904, the Secretary of the Interior sustained the action of the Commission therein; that on September 26, 1905, the said William F. Robinson appeared before the Commission for the purpose of testifying relative to the application of the claimants; that on September 28, 1905, the Commission declined to receive or consider further the application of the claimants; that on May 31, 1906, a motion for rehearing was filed in this office and said motion forwarded to the Department on June 29, 1906; that on December 28, 1906, the Department granted said motion; that further testimony was heard therein and on February 21, 1907, the Commissioner denied the application of all these claimants on the ground

ROBINSON, ET AL-----2.

that William F. Robinson, the principal claimant herein, removed from the Indian Territory in 1884 and did not return until January, 1904, and that neither of the claimants has ever been recognized or enrolled as a member of the Choctaw tribe or admitted to Choctaw citizenship by any constituted authority; that the record in this case was forwarded to the Department on February 21, 1907, and that the enrollment record failed to show what action was taken therein by the Department (See Choctaw Memorandum Case No. 150, William F. Robinson).

It further appears from the records of this office that the principal claimant herein, William F. Robinson, has a brother, Alex Robinson, and a sister, Emily F. Roberts, on the approved Choctaw Roll, opposite Roll Nos. 863 and 15041, respectively, and that Emiline F. Robinson, the mother of the said William F. Robinson, is also enrolled as a Choctaw Indian, Roll No. 723.

The names of the principal claimant's mother, his brother and sister, enrolled as aforesaid, appear on Choctaw Tribal rolls but the name of the said William F. Robinson does not so appear.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William F. Robinson, for the enrollment of himself and his six minor children, Alice, Alpha, Ada B., James William, Emma and Ollie, as citizens by blood of the Choctaw Nation:-

The testimony of Alex Robinson, taken by A. L. Irvine, Acting District Agent, at the Office of the District Agency, Number 13, Ardmore, Oklahoma, on November 30th 1910.

APPEARANCES:

For applicant, Wirt Franklin, of the firm of Apple & Franklin, Attorney's at Law, Ardmore, Oklahoma.

Alex Robinson, being duly sworn by A. L. Irvine, notary public, testifies as follows:-

Q. What is your name? A. Alex Robinson.

Q. What is your age? A. 51.

Q. What is your Post Office Address? A. Doyle, Stephens County, Oklahoma.

Q. What is your occupation? A. Farmer and Stock raiser.

Q. Are you the identical Alex Robinson who is shown on the roll as Choctaw by Blood, opposite No. 8637? A. Yes Sir.

Q. For whom do you appear here to-day? A. William F. Robinson, and his children.

Q. What kin, if any, is William F. Robinson to you? A. Own brother.

Q. Who was your father? A. James Robinson.

Q. What is the name of your mother? A. Emeline E. Robinson.

Q. Are your father both on the rolls of the Five Civilized Tribes as Choctaws by Blood? A. I could not say for my father, as he died when I was a little boy. My mother is on the rolls. My father died when I was four years old.

Examination by Wirt Franklin, of the firm of Apple & Franklin:

Q. Is the applicant in this case your full brother by the same father and same mother? A. Yes Sir.

Q. Where was William F. Robinson born? A. In Blue County of the Choctaw Nation, that is Bryan County now.

Q. Where did William F. Robinson live after his birth, and did he continue to live in the Choctaw-Chickasaw Nations?

A. Yes Sir.

Q. For how long? A. He lived here until 84.

Q. He lived in the Choctaw-Chickasaw country continuous until 84? A. Yes Sir.

Q. Where did he go then? A. To Mexico, out on the frontier.

Q. How long did he remain away from the Choctaw and Chickasaw Nation? A. 30 years.

Q. He returned then to the Choctaw-Chickasaw country? Is that correct? A. Yes Sir.

Q. State what you know, if anything, about his reasons for leaving the Choctaw-Chickasaw country? A. He knocked a fellow in the head with a six shooter and he thought he had killed him, and that was the reason why he said he stayed away and kept so close for fear of that thinking he had killed a man



- Q. Did he leave immediately upon having this trouble in which he knocked a fellow in the head. A. From what I can find out, he did.
- Q. And during all these years, as I understand you, he thought he was a fugitive from justice on account of having killed a man. A. Yes Sir.
- Q. Is your brother, William F. Robinson, married. A. Yes Sir.
- Q. What is his wife's name? A. Levenia.
- Q. Is she living? A. Yes Sir.
- Q. Have they any children? A. Yes Sir.
- Q. What are the children's names? A. Alice and Alpha, aged about 13; Ada B. aged about 12; James William, aged about 10; Emma aged about 8, and Ollie aged about 6 years.
- Q. Were any children born since the rolls were closed. A. Yes. They had two children born since 1906, but I do not remember the babies' names.
- Q. Are these children whom you have just named, all living? A. Yes Sir.
- Q. Where? A. With their parents at Doyle.
- Q. Why is it that your brother, William F. Robinson, does not appear with you here to-day? A. He said he was sick.
- Q. Can he appear at a later date when he gets well? A. I suppose he could.
- Q. During the time that your brother, William F. Robinson, was away from the Choctaw-Chickasaw country, did you hear from him. A. No Sir.
- Q. And that accounts for your not having advised him as to citizenship matters in this country? A. Yes Sir. It would be a good idea to state that I thought he was dead all that time.
- Q. Are you convinced as to his identity now? A. Yes Sir.
- Q. I believe you said that your mother and William F. Robinson's mother is still living? A. Yes Sir.
- Q. Where does she live. A. At Doyle, Oklahoma.
- Q. You have stated that your mother was on the roll of the Choctaw citizens by blood? A. Yes Sir.
- Q. How much blood does she possess? A. One-half blood Choctaw.
- Q. How much Indian blood did your father possess? A. I believe one-half.
- Q. Then you and your brother, William F. Robinson, are one-half blood Indian? Is that correct? Yes, we are one-half blood, but we are not on the roll that way.

STATEMENT BY A. L. IRVINE.

It appears from the rolls of the Five Civilized Tribes, that Emeline E. Robinson is enrolled as a Choctaw by Blood, female, 62 years old as of September 25th 1902, enrolled opposite number 743 as a one-half blood Choctaw, on Census card number 385.

WIRT FRANKLIN:

- Q. Have you any other brothers and sisters? A. Yes. One sister.
- Q. Is she living? A. Yes Sir.
- Q. What is her name? A. Emily Roberts.
- Q. How old is your sister? A. 47.

STATEMENT BY A. L. IRVINE:

The name of the witness's sister, Emily F. Roberts, appears upon the final roll of the citizens by blood of the Choctaw Nation opposite number 15041, is a female 39 years old as of September 25th 1902, a three-eighths blood Choctaw, Census Card Number 386.

WIRT FRANKLIN:

- Q. Have you and your brother, William F. Robinson, and your sister, Emily F. Roberts, always been recognized as citizens of the Choctaw Tribe? A. Yes Sir.

---3---

- Q. William F. Robinson was up until the time he left?  
A. Yes Sir.

F. L. Coffland, being duly sworn, states that as stenographer, he reported the proceedings had in the above entitled cause on the 30th day of November, 1910, and that the above and foregoing is a full and complete transcript of his stenographic notes taken in said cause on said date.

J. L. Coffland

Subscribed and sworn to before me, this the 2<sup>nd</sup> day  
of December, 1910.

Yule Irvine  
N.P., Carter Co., Okla.

My Commission Expires Aug. 22, 1912.

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, December 17th, 1910.

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In the matter of the application for the enrollment of William F. Robinson, et al. as citizens by blood of the Choctaw Nation, and his wife, Lavenia Robinson, as an intermarried citizen.

Proceedings had at Muskogee, Oklahoma, December 6th, 1910, before W. C. Pollock, Assistant Attorney, Interior Department.

Appearances (Apple & Franklin, attorneys for claimants.  
(Rodgers & Clapp, by A. W. Clapp, attorneys for  
(Chickasaw Nation.

William F. Robinson, being duly sworn and examined as a witness, testified as follows:

By Mr. Pollock:

- Q What is your name? A William F. Robinson.  
Q What is your age and post office? A Post office, Doyle, Oklahoma. My age is--I will be fifty the 29th of July; born in '61.  
Q You now wish to present your claim to be enrolled as a Choctaw citizen? A Yes sir.  
Q What was your father's name? A James Robinson.  
Q Is he living or dead? A He's dead.  
Q How much Choctaw blood did he have? A I think it was half blood, I don't remember. He died when I was small.  
Q Do you know whether he was ever on any roll or the Choctaw Indians? A Not only as to the census roll. He died in about '66.  
Q What is your mother's name? A Emeline B. Robinson.  
Q How much Choctaw blood has she? A I think about an eighth.  
Q She is on the final rolls of the Choctaw Nation? A Yes sir.  
Q Do you remember her roll number? A No, I don't just now.  
Q She is still living? A Still living, yes sir.  
Q Have you any brothers and sisters on the final roll? A Yes sir, brother and sister on the rolls.  
Q What is your brother's name? A Alex Robinson.  
Q What was your sister's name? A Emily Roberts. She married and enrolled under Roberts' name.  
Q Your mother is still living? A Yes sir.  
Q How old is she? A I don't know just how old she is. She must be along up towards seventy; sixty-four or seventy, somewhere along there.

Opposite No. 743 on the final rolls of the Choctaws by blood appears the name Melaine E. Robinson, 62, female, half blood, census card No. 385.

On the same roll opposite No. 863 appears the name Alex Robinson, forty-two, male, 3/8 blood, census card No. 386.

- Q Where were you born, Mr. Robinson? A Born in old Blue County there close to Durant.
- Q How long did you live there? A About twenty some odd years--about twenty-two.
- Q Why have you not made application heretofore for enrollment? A Well, I didn't know until that was around, and I got into some trouble and had to leave and it was somewhere about twenty years before I came back.
- Q When did you leave the country? A '84.
- Q When did you return? A 1904; lacking just a few months of being twenty years.
- Q Did you make any application immediately upon your return to be enrolled? A Yes, I tried.
- Q Did you appear in person before the Dawes Commission or any officer of the Government? A Yes sir.
- Q Who was that and where? A One of them was that fellow Beall, tending to the Commissioners.
- Q Where did you go before him? A When did I?
- Q Where? A Here.
- Q In this office here in Muskogee? A Yes sir.
- Q When was that, do you remember? A It was in--I don't remember the year now. 1907 wasn't it? Or 1906, or something like that.
- Q Did you make a statement before him then? A I tried to and he wouldn't let me. He told me I didn't have as much right as a white man.
- Q Were you sworn to testify at all, by him? A No. We just came and wanted to get in so they could take our testimony. I brought my mother with me.
- Q Did you file any paper with him, or writing, with him? A No sir.
- Q Did you receive any letter or other writing in regard to your claim after that from any officer of the Government? A Yes sir.
- Q When was that? A That was in---I don't remember just what year it was. It was since I came back, though.
- Q Was it before or after you appeared in this office? A It was after I appeared here you know before Beall. I don't know what that fellow's name was.
- Q You appeared before somebody again did you? A Yes sir.
- Q Where? A It was here. I got notice from Bixby to come and they would take my testimony.
- Q Did you give in your testimony then? A Gave all I could.
- Q Did you communicate with any of your relatives or friends while you were away during the twenty years? A No sir, I didn't. I was afraid to; not until after I had stayed my twenty years. I wrote to David Spain and he found out that the man didn't die that I hit over the head, and that doctor told me he was bound to die, no question about it, and of course I knew what would be the result with me and I left.
- Q You never heard during the twenty years that the man you had the difficulty with didn't die? A No sir.

- Q And you supposed all that time he had died? A Yes sir.
- Q Had you heard anything about the enrollment of the Indians and division of the lands in the meantime? A No sir, I was working on a ranch most of the time and news never reached me. Of course I heard of the enrollment but I didn't know what it was.
- Q How old were you when you left, Mr. Robinson? A Well, I don't-- I couldn't tell exactly I don't believe. It was in '84, and I must have been about twenty-three years old. It was in 1884.
- Q Were you married at that time? A No sir.
- Q When did you marry? A I married about fourteen years ago, married in Mexico.; little over fourteen years ---in New Mexico.
- Q Do you wish to present the names of your wife and children? A Yes sir.
- Q What is your wife's name? A Levenia Robinson.
- Q She doesn't claim to have any Indian rights? A No, she's not Indian.
- Q Give the names of your children with their ages? A Alpha and Alice. There's so many I can't remember them. (Witness refers to a paper).

By Mr. Clapp:

- Q Can you remember them yourself? A No. Alice and Alpha was born March 15th, 1897.

By Mr. Pellock:

- Q They are twins are they? A Yes sir. And Ada B.
- Q What is her age? A December 4, 1898.
- Q What is the next one? A James William, July 3, 1901, and Eueline, August 5, 1903; Mary Ola, November 6, 1905.
- Q Was the mother a citizen of the United States? A Yes sir.
- Q Where were these children born? A Well, some born in Texas and some in Mexico and some in Oklahoma here.
- Q Who was born in Oklahoma? A Ola was born in Oklahoma.
- Q Where was she born? A Doyle.
- Q What was the memorandum you referred to there to give these names and ages? A It was just a little thing we wrote.
- Q Who made that? A Their mother wrote it.
- Q Where did she take that from? A She taken that from the birthday.
- Q Have you a record of their births? A Just been wrote down like this. We made this out every time we have ever wrote to any lawyers.
- Q You haven't any record in a bible or other book? A No sir.
- Q Was there a doctor with your wife when this last child was born? A Yes sir.
- Q Have you ever secured any statement from him about the date of the birth? A Yes sir, he taken it.
- Q He made a certificate or affidavit about it did he? A Yes sir.
- Q What did you do with that? A Why we presented it here. We sent it to the Dawes Commission, and then people they acknowledged it on the roll once and then they sent me a statement you know that we was acknowledged on the roll, and he wrote to me afterwards to send that back that he made some error about it some way and I sent it back and never did hear from it.



- Q But this doctor signed a statement giving the date of the birth of this last child did he, the last one you named? A Yes sir, Ola.
- Q Did anybody else sign that paper besides the doctor? A Which, signed the affidavit?
- Q Yes? A I don't remember.
- Q Did your wife ever sign an affidavit? A I don't remember that. I know the doctor said they compelled him to make this report and make this affidavit you know.
- Q But you sent that to the Dawes Commission? A Yes sir.
- Q Were you recognized by the Choctaw tribal authorities as a member of the tribe at any time or in any way before you left in 1884?
- A Was recognized as one of the members?
- Q Yes? A Yes sir, oh yes.
- Q Do you know if your name was ever on any roll of the Nation before that time? A Just only on them census rolls you know.
- Q Did you vote in the Choctaw elections? A Yes sir.
- Q Do you remember what year that was? A No sir, I don't remember, but we voted one time at old Ha-shak-wa, a voting place, was once; there's a school house there and an arbor for meeting.

By Mr. Franklin:

- Q Mr. Robinson you stated a while ago that your wife didn't claim any Indian rights. You do claim for her? A On yes, I claim for her.
- Q She claims as an intermarried citizen? A Yes sir.
- Q By virtue of her marriage to you? A Yes sir.
- Q Were you ever married prior to your marriage to your wife Levenia Robinson? A No sir.
- Q What was her maiden name? A McCracken.
- Q Was she ever married prior to her marriage to you? A No sir.
- Q Have you lived together continuously since the date of that marriage up to the present time? A Yes sir.
- Q Mr. Robinson during the time you were away from the Choctaw-Chickasaw country, from 1884 until 1904, what was your idea as to your permanent home? A I always did claim this as my home. I left everything I had here when I left.
- Q During this time did you always intend to return and claim your rights as a Choctaw citizen? A Yes sir.
- Q Provided you were ever able to do so? A If able to do so, yes sir.
- Q You have stated something already in answer to questions from Judge Pellock as to the reasons why you left the country. Have you anything that you can add to that? A Why only simply I was afraid to come back, and I was raised among the very hardest people in the world I guess, and it didn't look right for the Government to allow these people to come in here and me to flee for my life and knock me out of my rights.
- Q Were these people you had trouble with Indians or white men?
- A White men.
- Q How did you come to have trouble with them? A He was a thief and everything else and they didn't like me because I didn't like that class of people. I didn't aim to kill him, just hit him over the head with my gun.
- Q Did any other members of your family have any trouble with him, or any of your relatives? A No, only my brother's had several-- a whole lot of trouble down there. He's killed two and stood

- his trial and come out of it. One of them was the worst man ever in that Territory. He has a record that can't be beat here.
- Q Just before you left did any of your relatives, cousins or uncles, kill any of this band of outlaws, and if so, were they tried? Go ahead and make a statement. A Why there was three thieves laid and retted within four miles of my mother's place.
- Q Were any of your people tried for killing those men? A No sir. A fellow named Henry Stewart, a cousin of mine, was hung in Ft. Smith for killing a man at Caddo, and I believe he ought to have been cleared; he didn't have nothing to do with it, only trying to help a man out of it.
- Q That was just before you left in 1884? A No, some little time. I don't remember just when it was.
- Q Well from the trend of events you believed, now as I understand you, that it was absolutely necessary for you, to save your life, to leave the country? A Yes sir.
- Q And you stayed away until you thought it was safe to return? A Yes sir.
- Q Did you return at the very first moment that you learned it was safe? A Yes sir, the first day, I started after I got the letter. They had searched the records at Ft. Smith and there was nothing in the world against me.
- Q Who had searched the records? A Dave Spain had that lawyer there, Bert Rennie.
- Q What did they report to you? A That everything was all right and nothing in the world against me.
- Q Did you return immediately upon finding out that no indictment had been returned against you? A Yes sir.
- Q When was the first time you learned that this man you struck over the head didn't die? A I learned it when I got the letter from Dave Spain and Alex.
- Q When was that? A Just before I came back. I don't remember just what date it was.

By Mr. Clapp:

- Q Do you remember your mother's maiden name? A Folsom.
- Q Do you remember her father? A Remember his name; I don't remember him.
- Q What was his name? A Jeremiah Folsom.
- Q Do you remember her mother's name? A My mother's name?
- Q Your mother's mother's name, your grandmother? A Yes, her name was Mary.
- Q Where did you marry your wife, what place? A Clayton, New Mexico.
- Q Married by a minister? A Yes sir.
- Q Did you have a license? A Yes sir.
- Q Have you the marriage certificate? A No, I haven't got that. We have wrote for it but never got it the other time. I will have to go up there and see about it I guess.
- Q Was there a court at Clayton? Was that where you got your license? A Yes sir.
- Q Are all the children you have named here living now? A Yes sir.
- Q They live with you? A They live with me; the oldest aint fourteen years.



- Q What is the name of the doctor that attended Mary Ola? A Doctor Aplin.
- Q Did the doctor live at Doyle? A Yes sir.
- Q Is he there now? A He is there now.
- Q What is the name of the man you struck over the head in 1884?
- A Houston, I don't know his given name, but his name was Houston; I don't remember his given name.
- Q Were you ever arrested? A No sir.
- Q Did you give the name of the physician that attended Houston?
- A His name was Doctor Stores.
- Q Where did he live? A He lived at Beef Creek.
- Q Beef Creek? A Yes sir.
- Q Is he living now? A I don't know whether he's living now or not. He was an old man then, twenty years ago.
- Q How long after you struck this man over the head with that six-shooter did you leave? A In about four days I left.
- Q During that time did anybody molest you or try to arrest you?
- A No sir, never was arrested and never paid a fine in my life.
- Q Can you read? A Just a little.
- Q Can you write? A Mightily poorly.
- Q Where did you get your education? In the tribal schools?
- A Yes sir, all that I ever went was in the tribal schools.
- Q How long did you go? A I went one winter at Bennington and stayed with my uncle that year and went to school at old Bennington. I stayed with Joe P. Folsom, he's my uncle.
- Q How many years did you go altogether? A Didn't go nary year, just went a few months at a time; and went to school at Durant a little.
- Q Is your brother Alex an educated man? A Just common; he can read and write.
- Q Who was the oldest, you or Alex? A Alex is the oldest.
- Q And Emily Roberts is she older or younger than you? A She's younger than me.
- Q Is Emily educated? A Why just about like Alex is. She can write and read a little is about all.
- Q Were you living with them at the time you left this country?
- A No sir, I had my place up there.
- Q Up where? A In that country where I hit that man over the head with the six-shooter.
- Q Where was that? A On Bush Creek, I don't remember how far from Lindsay. I had hogs there and I left everything I had; left everything.
- Q What was the nearest town, Lindsay? A Lindsay now.
- Q And where were they living at that time? A Which, that fellow I hit?
- Q No, your brother and sister? A They was living down here in the Choctaw Nation. I had been working on a ranch up there and had bought me a place.
- Q You were born and raised in the Choctaw Nation? A Yes sir.
- Q How old were you when you left the Choctaw Nation? And went up in the Chickasaw Nation? A Oh I hadn't been up there long. I was about twenty-two or twenty-three years old, somewhere along there.
- Q Well how long had you been there when you left? A Not over four or five or six months.

William F. Robinson, et al.-----7

- Q That is the first time you had been out of the Choctaw Nation?  
A Yes sir, first time, only when I came up there and worked with them fellows on the ranch.
- Q You would go up there and work a while and then come back?  
A Yes sir.
- Q Now when you left up there after you hit that fellow with the six-shooter, did you communicate with your brother or sister?  
A No sir, nobody.
- Q Where did you go first? A I went to Mexico.  
Q New Mexico or Mexico? A New Mexico.  
Q Whereabouts? A Right close to Clayton.
- Q Did you live there all the time you were away? A Sometimes be in Texas and sometimes be in Mexico, and I went to different places. I was in Arizona a while and went to California a while, but I didn't make that no permanent place to stay.
- Q Did you ever own a home out there? A No sir.
- Q What did you do after your marriage? Did you rent a place?  
A No sir, I worked with cattle and had sheep.
- Q Where did your wife and children live? Wherever you did?  
A No, they lived in that little place, Clayton.
- Q Did you own that place? A No sir, didn't own it.  
Q Renting it? A Yes sir.
- Q Did you own your own furniture there in that house? A Yes sir.
- Q They must have lived there about eight years? A Yes sir, somewhere close to that.
- Q What were you doing? Working for ranchmen? A Yes sir, sometimes, and then I had a bunch of sheep and cattle.
- Q Were you sometimes in business for yourself? A Yes sir, and all the land that I got for my stock in Texas I leased it.
- Q You never owned any land out there? A No sir.
- Q Did you ever vote in the elections out there? A No sir.
- Q Did they ever have elections while you were out there? A No sir, not until after the late days you know. Where I was they were pretty near all Mexicans.
- Q Now during this twenty years that you were away from there didn't you ever communicate with your brother or sister? A No sir.
- Q You made no attempt to find out----? A Not until I got ready to come down here. I got a fellow named Smith to write to Dave Spain here.
- Q The way you came to write you heard they were enrolling the citizens here and you wrote to find out if there was any reason why you couldn't come back? A Yes sir.
- Q Before that you hadn't written to anybody? A No sir, I didn't know nothing about what was happening. All my reading, or what I learned I have learned it since I was married, out of the Dallas News; still taking it yet.
- Q And if you hadn't heard they were enrolling people here the chances are you wouldn't have written them, that is, that is what caused you to write, you heard they were enrolling Choctaw and Chickasaw citizens? A Yes sir.
- Q Who was this Dave Spain that you wrote to? Is he any relative of yours? A Yes sir, distant relative, about third or fourth cousin.
- Q Is he a Choctaw Indian? A Yes sir, Choctaw by blood.
- Q Where does he live now? A Whitehead, Garvin County.
- Q Is that a post office? A Whitehead is the post office.
- Q That is in Garvin County? A Yes sir.

- Q Did he know of your hitting this man over the head with a revolver? A Yes sir.
- Q Had you heard from him during those twenty years? A No sir.
- Q Where did he live when you left here? A He lived there at Whitehead.
- Q Same place? A Same place, yes sir.
- Q You hadn't heard anything about him since you left here? A No sir.
- Q When you left here did you own any place? A Yes sir.
- Q Where? A On Rush Creek.
- Q Where is that, in what Nation? A Chickasaw Nation.
- Q Chickasaw Nation? A Yes sir.
- Q Now how long had you owned that? A Oh I had just traded for it.
- Q What did you trade? A I don't remember what I traded for it.
- Q That is the first place you ever had was it? A Yes sir.
- Q You had just traded for it when you left here? A Yes sir.
- Q You never lived there? A Oh yes I would make it my stopping place when I was around there.
- Q Did you lease it? A No sir, just pulled out and left it when I had the trouble.
- Q How far was that from where you had the trouble? A About two miles.
- Q Did you own anything else except this place when you left here? A Had some hogs.
- Q How many? A Right or ten.
- Q Did you make any arrangements about them when you left here? A No sir.
- Q Just pulled up and left them? A Yes sir.
- Q Do you know what became of them? A No sir.
- Q Never tried to find out? A No sir.
- Q Were you ever in Old Mexico? A No sir.
- Q Now you say your brother has been acquitted a couple of times? A Yes sir, he killed a horse thief and was acquitted at Ardmore.
- Q Did he kill an Indian? A White man.
- Q Well had your brother had any trouble before you left here? A No, only just what I told you about, about them men out there; they stole us out I don't know how many times.
- Q Had your brother been tried before you left here? A No sir.
- Q When was he tried, you say he was tried? A I don't know.
- Q That is just what he has told you since you came back? A Yes sir, what he and others have told me.
- Q Well the reason that you went to New Mexico was that you would rather go than to stay here and stand trial? A Yes sir. I knewed if he died they would do me like they did them other Indians they took there, hang me. I had no intention of killing the men.
- Q Do you own any place now? A No sir, they wouldn't let me.
- Q What do you do, do you rent a place? A Yes sir, rent from my brother.
- Q Are you farming it? A Yes sir.
- Q Does your brother now live right near you? A He's living close by.
- Q Now when you appeared and gave your testimony here did you tell them who your mother was, and who was your brother and sister? A Before the Davis Commission?
- Q Yes? A Yes sir.

- Q Can you fix the date of that a little better? About how long was it after you got back? A That I came before the Dawes Commission?
- Q Yes, the time you say you gave them some testimony? A Well, I can't tell you about when it was; it was---they taken my testimony the last time after that Curtis bill passed; I don't remember when that was.
- Q That Curtis bill was April 26, 1906; it was in that year was it? A Well it was after that time.
- Q It was in that year was it? A Yes sir.
- Q Where were you living in 1878? A 1878?
- Q Yes? A I was living in the Choctaw Nation.
- Q In Blue county? A Blue county.
- Q Now at that time you would have been about seventeen years old. Who were you living with at that time, with your mother? A Living with my mother, yes sir.
- Q At the time you came back was there any reason which would have caused you to come back except the fact that they were enrolling the Choctaw and Chickasaw Indians and giving them their rights? A Yes sir, that was all; that was my intention to get back as quick as I found out I could.
- Q That was after you found out they were enrolling? A Yes sir.
- Q Were you taking the Dallas News along about 1900, ten years ago? A I believe I was.
- Q Didn't you read there of the fact that they were enrolling the Choctaws and Chickasaws and dividing their land and money up? A I don't know whether I was taking it then or not; I don't expect I was; I didn't know nothing about it; when I left here they said this country never would come in as long as grass grows and water runs; that's the idea we all had.
- Q That is what the preacher preached? A Yes sir, that's what they preached.
- Q Just what circumstances was it---how did you find out that they were enrolling? A Oh well I heard something like it before I came back, and I got a letter from Spain and Alex.
- Q That is after you wrote to them? A Yes sir.
- Q You heard something after you wrote? A Well, I don't remember who told me; something about it.
- Q You heard a rumor that they were enrolling the Choctaws and Chickasaws? A Yes sir, but I didn't pay no attention to it, because I didn't believe it.
- Q Were you known out there in New Mexico as an Indian? A No, I guess not.
- Q You were never told that you were indicted? A No sir, never was. Never was indicted and never paid a fine in my life.
- Q When you left that country down there who knew that you were going to leave; did Dave Spain know? A I think so.
- Q You told him you were going to leave didn't you? A I don't remember.
- Q You had your friends there didn't you? A Yes, and he knew all about me soon after I left you know.
- Q Your friends down there advised you to leave didn't they? A Yes sir.
- Q Did you tell them where you were going? A No sir.
- Q Is Dave Spain an educated man? A Just moderately.
- Q What degree of Indian blood is he? A About a quarter I guess, maybe a little more.

By Mr. Franklin:

- Q You stated in reply to a question from Mr. Clapp that Doctor Stores attended this man Houston after you hit him? A Yes sir.
- Q Did you ever ask this doctor prior to the time you left what would be the probable effect of that wound? A Yes sir, I asked him how he was getting along and he said mighty bad, and I said how do you think he will come out and he said he was bound to die, that there was no question about it.
- Q You also stated that you got a man by the name of Smith to write to Dave Spain for you; why didn't you write yourself?
- A Well, I was afraid to, and then I wasn't a very good scribe nohow. He lived off a good ways from me and I got him to write so no one would ever know where I was.

By Mr. Clapp:

- Q Do you know whether Houston is living now or not? A No sir.
- Q You don't know where he is? A No sir, I don't.
- Q Your wife writes; she is educated isn't she? A Yes, tolerable, she can read and write.
- Q Did you ever tell her while you were out there about what you had done back here and what made you leave? A No sir.
- Q You didn't want her to know about that? A No, not until I got so I could come back here. Never told nobody only Smith when I got ready to investigate this thing, and I knew if there was anything in it they wouldn't know nothing about it, and when I got that letter from Spain and Alex----
- Q You wanted Smith to write and see if they were enrolling and distributing the land? A No sir, to see if there was any indictment against me. Spain wrote me and Alex wrote me.
- Q If there had been an indictment would you have come back?
- A No sir.

By Mr. Pollock:

- When you speak of living in Mexico you mean in the Territory of New Mexico each time do you? A Yes sir.

Counsel for Chickasaw Nation waive objection to taking the deposition of Emeline E. Robinson if a copy of the interrogatories is furnished them.

(See Choctaw Memo. case No. 150.)

December 7th, 1910.

Statement by Mr. Pollock as to certain rolls in the office of the Commissioner to the Five Civilized Tribes.

Roll headed "Blue County, July 17th, 1861". The list of all persons over forty-five and under eighteen and over eighteen, as follows: Opposite No. 10 is the name James Roberson, and in the column headed "age over eighteen" is the figure 1.



William F. Robinson, et al.-----11

Roll endorsed "Census of Blue County, C. N., filed in the office of the National Secretary this the 17th day of Feb. A. D. 1868, E. Dwight, National Secretary." This roll is headed "County of Blue" and has various columns showing Indians, male and female, number of persons of color, freedmen from State and other Nations, acres of land in cultivation, production, number of animals raised, and white persons. On this roll is shown the name Emeline Robinson. In the column under the head "Indian males" and sub-head "Under ten years of age" is the figure 2, and under the head "Indians, females" and sub-head "Under sixteen years of age" is the figure 1, and under the sub-head "Over sixteen years of age" is the figure 1. No figure appears under the head "Free persons of color" or the head of "Freedmen from State and other Nations" or the head of "White persons."

On a roll endorsed "Census Return, S. Gardener, Sheriff of Blue County, Choctaw Nation, this 29th day of April, A. D. 1874" are found columns designated "County of Blue, "Names"; "Indian males", "Indian females", "Free persons of color", "Freedmen from State and other Nations", "Acres of land in cultivation", "Production", and there are other columns but the paper has been mutilated so that the names are not shown. On this roll opposite No. 497 appears the name Emeline Roberson, and under the heading "Indian males" and sub-head "Over ten years and under eighteen" appears the figure 2, and under the head "Indian females" and sub-head "Under sixteen years of age" appears the figure 1, and sub-head "Over sixteen years of age" appears the figure 1.

-----

Albert G. McMillen, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

*Albert G. McMillen*

Subscribed and sworn to before me this 17th day of December, 1910.

*Harry Montague*  
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR.

In the matter of the application of WILLIAM F. ROBINSON for the enrollment of himself and his six minor children, Alice, Alpha, Ada B., James William, Emeline and Mary Ola Robinson, as citizens by blood and for the enrollment of his wife, Devonia Robinson, as a citizen by intermarriage, of the Choctaw Nation.

DEPOSITION OF EMELINE E. ROBINSON.

Emeline E. Robinson, being first duly sworn by J. T. Pickens, Notary Public, in and for Stephens County, Oklahoma, deposes and says:

Interrogatories by Apple & Franklin, attorneys for applicants.

Q 1 State your name in full, age and post-office address.

A Emeline E. Robinson, Doyle, Okla. Born Feb. 21st 1840

Q 2 Give the names of your parents. A Father Jerimire Tolson  
Mother Mary Ann Tolson

Q 3 Are you the identical Emeline E. Robinson, enrolled on the final roll of Choctaw citizens by blood opposite No. 753? A Yes

Q 4 What is the name of your husband? A James A. Robinson

Q 5 Is he living and if not when did he die? A Died in 1861

Q 6 Was he an Indian and if so to what tribe did he belong? A Yes.  
Belonged to Choctaw Tribe

Q 7 How much Choctaw blood did he possess? A about 1/4th

Q 8 Please give the names of your children and their ages? A Alex Robinson age 5, William F. Robinson age 4, 9  
Emely F. Roberts age 4, 7

Q 9 Are they all living and if so give their present post-office addresses? A Yes - Alex Robinson, William F. Robinson, Doyle Okla. Emely F. Roberts, Durant, Okla.

Q 10 Is William F. Robinson a full brother to Alex Robinson and Emely F. Roberts? A Yes

Q 11 Where does William F. Robinson now live, how near to your home and what is his address? A Near Doyle, Okla about 2 mile of my home. Doyle is his post office

Q 12 Is he married and if so state his wife's name? A Yes, wife  
name Devonia Robinson

Q 13 Has he any children? If so, give their names and ages, as nearly as you can? A Yes. Alpha, Alice age 13 yrs.  
Ada B. 11 yrs. James William age 9 -  
Emeline E. age 6 Mary Ola - age 4.



- Q 14 Are the children you have named above all living? A *Yes*
- Q 15 Would your Health permit you to make a trip to Muskogee or to one of the District Agent's offices to give your testimony in this case? A *no*
- Q 16 Did you ever appear before the Commissioner to the Five Civilized Tribes in Muskogee with your son, William F. Robinson, for the purpose of giving your testimony relative to his being your son and relative to this case? A *Yes*
- Q 17 If so, when? A *About the last of August 1906*
- Q 18 Did the Dawes Commission take your testimony in this matter?
- A *no*

Emeline E. Robinson

STATE OF OKLAHOMA )  
STEPHENS COUNTY ) SS.

I, J. T. Pickens, a Notary Public in and for the above named county and state, do hereby certify that the foregoing deposition of Emeline E. Robinson, was taken before me on the 12 day of December, 1910, in said County; that said interrogatories were read by me to the deponent and her answers were written by me at the time in her presence; that before beginning said deposition, she was sworn by me to state the truth, and nothing but the truth in the matter of the application of William F. Robinson for the enrollment of himself and family as Choctaw citizens; and that she subscribed her name to said deposition in my presence.

IN WITNESS WHEREOF, I hereunto sign my name and affix my notarial seal, this 12th day of December, 1910.

J. T. Pickens  
Notary Public

My commission expires

Jan 26th 1913

WAL

Received a copy of above proposed interrogatories Dec. 7, 1910.

Rodgers & Clapp

Attys for Chickasaw Nation.

That will be giving equity, and these petitioners are entitled to such  
as most a bill of relief by the addition of other names to the rolls.  
enjoining their name, the Congress of the United States will be asked  
the United Property, and while the law as it now stands requires that  
persons, and hundreds others. They have an equitable interest in all  
wise of Indians as are the families of Alex Robinson and wife.  
here, but they contend that they are as much members of the Choctaw  
tribe as enrollment. Technically speaking they are not enrolled citizens.  
petitioners are told that the present law does not provide for  
their enrollment.

and his estate claimed this as his home, though for a time held even by  
the court. He was born here, reared here, and buried here.  
petitioners. It has been held clear that this was no abandonment of his  
home. Petitioners as his family now residing in the locality of his  
operation, speak this right to a place  
of residence.

Wm. F. Robinson, et al

for enrollment

CHOCTAWS.

Recd Dec. 6 1910

W. C. Collock

Apple & Franklin  
Ardmore, Okla

Attorneys for Petitioners

(COPY)

DEPARTMENT OF THE INTERIOR  
FIVE CIVILIZED TRIBES AFFAIRS ## OKLAHOMA.

In the matter of the application for enrollment as citizens of  
the Choctaw Nation of

William F. Robinson,  
Lavonia Robinson,  
Alice Robinson,  
Alpha Robinson,  
Ada B. Robinson,  
James William Robinson,  
Emeline Robinson, and  
Mary Ola Robinson.

oooOooo

THE HONORABLE,

THE SECRETARY OF THE INTERIOR.

Your petitioners, William F. Robinson, Lavonia Robinson, his wife, and Alice, Alpha, Ada B., James William, Emeline and Mary Ola Robinson, his minor children, come now in the person of William F. Robinson and by their attorneys, Apple & Franklin, and respectfully state to the Honorable Secretary of the Interior that they are a family of Choctaws, residing in the Choctaw-Chickasaw country in Oklahoma and are entitled to enrollment as Choctaws and to share in the common lands and other property and moneys of said tribe; that their rights to participate in the allotment of lands and distribution of moneys and to enrollment on the final rolls of said tribe have never been adjudicated; and that their case comes within the class of persons left off the rolls by technicality.

It has been made known to your petitioners that, under authority from the Department of the Interior, an investigation is now going on having in view the addition of the names of Indians of certain defined classes to the rolls of the Choctaws and Chickasaws. Petitioners beg leave to show that they are within the class of meritorious claimants coming within the scope of the present inquiry, and they believe their names should be included in the list recommended by your honor to the Congress for enrollment.

The petitioner, William F. Robinson, is a son of James Robinson, now deceased, and Emeline Robinson (enrolled at No. 743), who is living, both of whom were half blood Choctaws, and petitioner is therefore of the half blood Choctaw; the said Lavonia, his wife, is a white woman, and said named minor children are one-fourth blood Choctaws. A brother, Alex Robinson, (whose name is on the Choctaw roll at No. 863) and a sister, Emily F. Roberts, (whose name is on the Choctaw roll at No. 15041), are also living in Oklahoma, having come into their rights undisputed.

These petitioners were not enrolled, they have been advised, for the reason that their names did not appear on any of the Choctaw tribal rolls in the possession of the Dawes Commission. As explanation of the omission of the name of the said William F. Robinson from any tribal rolls prepared after the year 1884, petitioner will state that in the year 1884 he was compelled to flee for his life, leaving the Choctaw Nation and going to the Texas frontier and to New Mexico, where he remained a number of years in hiding. To tell a long story in a few words, he and his family, Indians, were having trouble with a bad element of white outlaws, who, as history shows, infested the Choctaw Nation twenty and thirty years ago. A number of men were killed from time to time; two of petitioners' cousins were convicted of murder at Ft. Smith in the federal court upon the testimony of whites <sup>and were hanged</sup> and when the said William F. Robinson was told that a man whom he downed with a six-shooter was dying he fled the country to remain away until he would not imperil his life by coming back. Time wore on and things improved in the Choctaw country, but petitioner did not feel safe in returning until twenty years had elapsed.

He gained his knowledge of the allotment work which began in 1903 from the newspapers; correspondence was had with his brother and he learned that he would be safe in coming home, so in 1904 he did come with his family to his country and began at once to set up his claim. The one question for the Department and Congress to answer in behalf of the petitioner is, Did Robinson lose his birthright by having his life? "In



(COPY)

DEPARTMENT OF THE INTERIOR.

In the matter of the enrollment  
of William F. Robinson, et al., a  
citizens of the Choctaw Nation, in  
Oklahoma.

A F F I D A V I T

STATE OF OKLAHOMA, )  
STEPHENS COUNTY. )

I, William F. Robinson, being first duly sworn state on oath that I am 50 years of age and my post office address is Doyle, Oklahoma; that I am the identical person who, as William Ross, applied for a license to marry Miss Lavonia McCracken, in the office of the Clerk of the County Court of Collingsworth County, State of Texas, at Wellington, the County Seat of said County; that a marriage license was duly issued to me by said Clerk, my name appearing therein as William Ross, and that said Miss Lavonia McCracken and myself, as William Ross, were duly married under said license on the 14th day of April, 1896, by E. H. Small, the County Judge of Collingsworth County, Texas.

I further state on oath that I am the identical person who appeared before Hon. W. C. Pollock, Assistant Attorney, Interior Department, at Muskogee, Oklahoma, on December 17, 1910, and there testified relative to the rights of myself, my wife Lavonia Robinson and our children, as Choctaw Citizens. At that time I testified fully as to the reasons which actuated me in leaving the Choctaw-Chickasaw country, and I now state that my reasons for adopting the name of William Ross are the same as are set out in my testimony for leaving the Choctaw-Chickasaw country; that is, to prevent my being identified as William F. Robinson and returned by the authorities to that country for trial of my life.

W. F. Robinson

Subscribed and sworn to before me this 20 day of March, 1911.

J. T. Pickens  
Notary Public.

SEAL

My commission expires Jan 26th, 1913

(COPY)

(7) DEPARTMENT OF THE INTERIOR.

In the matter of the enrollment of William A. Robinson, et al., as citizens of the Choctaw Nation, in Oklahoma.

A F F I D A V I T

STATE OF OKLAHOMA, )  
STEPHENS COUNTY. )

I, Lavonia Robinson, being first duly sworn, on oath state that I am 33 years of age and that my post office address is Doyle, Oklahoma; that I am now the lawful wife of William F. Robinson; that my maiden name was Lavonia McCracken; that I was married to the said William F. Robinson at Wellington, Texas, on April 14, 1896, by County Judge E. H. Small. At that time the said William F. Robinson was going by the name of William Ross and I married him while he was so known, and it was not for some time after our marriage that I learned that his correct name was William F. Robinson. We have lived together continuously since said marriage.

Lavonia Robinson

SEAL

Subscribed and sworn to before me this 23 day of March,  
1911.

J. T. Pickens  
Notary Public.

My commission expires

Jan 26th 1913



(COPY)

STATE OF TEXAS, COLLINGSWORTH COUNTY, SS.

To any Judge of the County or District Court, Regularly Licensed or Ordained Minister of the Gospel, or Justice of the Peace in and for said County of Collingsworth, GREETING:

YOU ARE HEREBY AHTORIZED TO SOLEMNIZE THE RITES OF MATRIMONY between Mr. William Ross and Miss Lavonia McCracken, and make due return to the Clerk of the County Court of said County, within sixty days thereafter, certifying your action under this License.

Witness my official signature and seal of office, at office in Wellington this 13th day of April A. D. 1896.

J. W. Anderson,

Clerk of the County Court Collingsworth

(No Scroll for seal  
Shown)

County.

I, E. H. Small, hereby certify that on the 14th day of April A. D. 1896, I united in Marriage Wm. Ross and Lavonia McCracken, the parties above named.

Witness my hand, this 17th day of April, A. D. 1896.

E. H. Small, County Judge,

Collingsworth Co Tex.

Returned and filed for Record, this 17th day of April A.D. 1896.

J. W. Anderson County Clerk.

The State of Texas |

County of Collingsworth | I Geo. W. Lee Clerk of the County Court in and for said County and State, do hereby certify that the above and foregoing is a true and correct copy of the original marriage License of William Ross and Miss Lavonia McCracken, as the same appears of Record in Vol 1 page 16, of the Marriage Record of Collingsworth County Texas.

Given under my hand and seal of said Court at office in Wellington Texas, this 13th day of March A.D. 1911.

(SEAL)

Geo. W. Lee Clerk,  
County Court, Collingsworth county Texas

12856

1. 7126

Whoc 2100

REFER IN REPLY TO THE FOLLOWING:

Land  
19646-1907.

(COPY)  
**DEPARTMENT OF THE INTERIOR,**  
**OFFICE OF INDIAN AFFAIRS,**  
**WASHINGTON.**

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of William F. Robinson, Altha, Alice, Ada, William James, Emeline, and Ola Robinson for enrollment as citizens by blood of the Choctaw Nation, together with his decision of February 21, 1907, denying the application. An examination of the record in the case shows that the action of the Commissioner is correct, and it is recommended that it be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

(COPY)

Subject:

Union Agency, Ardmore, Okla., Dec. 5, 1910.

In re enrollment  
of Wm. F. Robinson  
and his six minor  
children.

-----

Judge W. C. Pollock,  
Assistant Attorney,  
Muskogee, Oklahoma.

Sir:

I beg to enclose herewith, in triplicate, testimony of Alex Robinson taken at this office on November 30, 1910, in the matter of the application of William F. Robinson for the enrollment of himself and his six minor children, Alice, Alpha, Ada B., James William, Emma, and Ollie Robinson, as citizens by blood of the Choctaw Nation.

This testimony was taken at the request of Messrs. Apple and Franklin, and in accordance with the authority in your telegram to them from McAlester, Oklahoma, on November 30, 1910.

The quadruplicate copy of this testimony was retained by Messrs. Apple and Franklin and consequently no copy needs to be sent to them. Apple and Franklin state that they will present other testimony to you at Muskogee.

Respectfully,

A. L. Irving.  
Acting District Agent.  
K

ALI-CFK  
Enc. 3..P-36.

(COPY)

Dept. of the Interior  
Received Mar 28 1911  
to Asst. Atty. Genl.  
SecY's Off.--Mails & Files.

Ardmore, Okla.

March 25, 1911.

The Honorable Secretary of the Interior  
Washington, D. C.

Sir:

On December 17th, 1910, William F. Robinson testified before Hon. W. C. Pollock, Assistant attorney, relative to the rights of himself and children as citizens by blood, and the rights of his wife, Lavonia Robinson, as a citizen by intermarriage, of the Choctaw Nation.

The evidence in the case, we believe, was made complete on that date, with the exception of proof of marriage of said William F. Robinson and Lavonia Robinson. We are therefore herewith inclosing a certified copy of the marriage license and certificate, which shows that William Ross and Lavonia McCracken were married April 14, 1896. Attached to this copy are the affidavits of William F. Robinson and Lavonia Robinson, which identify them as the identical parties married under said license.

We ask that these papers be filed with the other record made up by Mr. Pollock in this matter and that they be considered in making up any recommendation in this case. We did not learn until comparatively recently that Robinson was married under an assumed name and that accounts for the delay in our procuring and filing this evidence.

Respectfully,

Apple & Franklin

(COPY)

DEPARTMENT OF THE INTERIOR,  
Office of Assistant Attorney-General,  
Washington,

April 12, 1911

Messrs. Apple & Franklin,  
Ardmore, Oklahoma.

Gentlemen:

Your letter of March 25, addressed to the Secretary of the Interior, and forwarding papers in the matter of the claim of William Robinson for himself and children to enrollment as citizens by blood of the Choctaw Nation, has been referred to me. These papers will be filed with the case and receive consideration.

Very respectfully,

W. C. Pollock  
Assistant Attorney.

(COPY)

90635

TELEGRAM

THE POSTAL TELEGRAPH-CABLE COMPANY  
of Texas.

---

24 DA RE 4 PM

14 XX

415 PM

112 North First St.  
Telephone Building

Ardmore, Okla Nov 30

W C Pollock

care U. S. District Agent

McAlester Okla.

Please wire authority irvine district agent take testimony  
william robinson case witnesses here. Answer.

Apple and Franklin.

*Nov 30, and giving authority requested  
provided the case involved a new  
application WCP*



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 20, 1910.

Messrs. Apple & Franklin,  
Ardmore, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of William F. Robinson et al., as citizens of the Choctaw Nation, taken in the course of my investigation.

Respectfully,

Enc. L-189

Assistant Attorney.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, December 20, 1910.

Messrs. McCurtain & Hill,

McAlester, Oklahoma.

Gentlemen:

There is enclosed herewith copy of testimony respecting the enrollment of William S. Robinson et al., as citizens of the Choctaw Nation, taken in the course of my investigation.

Respectfully,

Enc. L-188

Assistant Attorney.

(COPY)

HOUSE OF REPRESENTATIVES U. S.

Washington, D. C.

April 7, 1911.

Dear Sir:

I wish to again draw your attention to the tribal status of Mr. David H. Folsom of Kingston, Oklahoma. Dave is, I believe, a full blood Chickasaw Indian which fact can be established by numerous living witnesses of Chickasaw blood. Many years ago Folsom ran away from the Chickasaw Nation thinking he had killed a man. Dave was far away by the time the man recovered and never heard of this fact for many years. When he did, he returned to Oklahoma but after June 28, 1898, and since that time he has been unable to get on the roll. So far as I know there is no objection, whatever, to his enrollment by the Choctaw and Chickasaw authorities, and it seems to me that his case contains the same equity as that of persons confined in penitentiaries or asylums. I ask that a careful consideration be given this case in order that some equitable adjustment may be made of same.

Yours truly,

C. D. Carter

Mr. W. C. Pollock,

Washington, D. C.

*See Mr. F. Robinson et al  
Choctaw No 29.*

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

K. M. T.

W. C. P.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,  
WASHINGTON,

April 12, 1911.

Hon. C. D. Carter,  
House of Representatives,  
My dear Mr. Carter:

I have your letter of April 7, calling attention to the tribal status of David H. Folsom, of Kingston, Oklahoma, suggesting that he is probably entitled to enrollment as a Chickasaw Indian, and asking that a careful consideration be given this case in order that some equitable adjustment may be made of the same.

Upon the examination I have been able to make so far, I have not found the name of David H. Folsom as one of the cases which I investigated. I do, however, find a case of William F. *Chontaw* Robinson, a Choctaw, in which the facts are like those you say *fact* are true of Folsom; that he ran away from the nation thinking he had killed a man and did not hear to the contrary for many years, too late to return prior to June 28, 1898. I shall, however, make further examination of the papers to ascertain whether the Folsom case was in fact presented to me, and advise you of the result.

Very respectfully,

W. C. Pollock,  
Assistant Attorney.

FOLDER

#6101

IS

MISSING

Choc 6102

Joseph James Wright

Aug. 1, 1914

6102

CHOCTAW CASE NO. 92.

Emma Wright, deceased, (Female-, Minor Choctaw by blood.  
Joseph James Wright, deceased, (Male) Minor Choctaw by blood.

An examination of the records of this office fail to show any applications for the claimants herein within the time provided by law.

It appears from the testimony herein and the records of this office that Emma and Joseph James Wright, both deceased, claimants herein, are the children of Islam Wright, a full-blood Choctaw, Roll No. 12859, and Francis Wright, an one-half blood Choctaw and one-half blood Chickasaw, enrolled as an one-half blood Choctaw at No. 120, by name, Francis Wade; that Emma Wright was born May 4, 1904, and died May 28, 1904, and that Joseph James Wright was born July 9, 1905, and died, as shown by the testimony, March 8, 1906.



DEPARTMENT OF THE INTERIOR,  
McALESTER, OKLAHOMA, DECEMBER 9, 1910.

---oOo---

In the matter of the application for the enrollment of Emma and Joseph James Wright as citizens by blood of the Choctaw Nation.

Proceedings had at McAlester, Oklahoma, December 9th, 1910, before W. C. Pollock, Assistant Attorney, Interior Department.

ESLAM WRIGHT, being first duly sworn and examined testified as follows through George Nelson, official interpreter.

BY MR. POLLOCK:

- Q What is your name? A Eslam Wright.  
Q What is your age? A About 53 years old.  
Q Where do you live? A Double Springs  
Q Are you a Choctaw Indian? A Yes sir, full blood.  
Q Do you know your number on the Choctaw roll? A No 12859.

NOTE: Opposite No. 12859 on the roll of Choctaw citizens by blood appears the name of Eslam Wright, 38 years, Male, full-blood, Census Card No. 4656.

- Q What is your wife's name? A Francis Wright.  
Q Is she a Choctaw Indian? A Half Chickasaw and half Choctaw.  
Q Is she on the Choctaw or Chickasaw roll? A Choctaw roll.  
Q Was she enrolled before you were married or afterward? A Let me see she was enrolled as Francis Wade  
Q When were you and Francis married? A In 1898.  
Q Have you any children on the roll? A Yes sir, I got two children on the roll but both died.  
Q What were their names? A One Palmer and other one Mary Wright.  
Q Have you some children that are not on the roll? A Yes sir, I got two more, Emma and Joseph ~~Jefferson~~ James Wright.  
Q Were you and Francis married under the Choctaw law or the United States law? A United States.  
Q By a Minister or a Judge? A Clerk  
Q Have you a license? A Yes sir, at home.  
Q You want to apply for the enrollment of Emma Wright? A Yes sir.  
Q How old is Emma.

NOTE: Witness presents a paper written in Choctaw with the exception as to the names and dated.

- Q Who wrote this? A I got big book at home and I wrote that.  
Q Yes have you written this in the big book? A Yes sir, big book at home.  
Q This says that Emma was born May 4, 1904? A Yes sir.  
Q And this is the date you wrote in the big book at the time she was born? A Yes sir.  
Q Who was with your wife when Emma was born? A Ellen Wade.  
Q Is your wife or mid-wife heretoday? A Yes sir, both here.  
Q How long did Emma live? A About one month.

WRIGHT-----2.

- Q When was Joseph James Wright born? A July 9, 1905  
Q And that was when you put it in the big book, when he was born? A Yes sir.  
Q And you copied this, (indicating paper presented by him and heretofore mentioned) from the big book? A Yes sir.  
Q How long did Joseph James live? A About one year.  
Q This date on this paper is the correct day as the one on which he died? A Yes sir.  
Q Did you write this in the big book at the time when he died? A Yes sir, all in it, all my children I put in big book.  
Q How soon after Joseph James died did you put this March 8, 1906, in big book---- next week, day or month? A About next day.

BY MR RODGERS:

- Q Did you appear before the Dawes Commission yourself and enroll? A Yes sir.  
Q Enroll your wife, too? A No sir, her father enrolled her.  
Q And the two children? A Yes sir.  
Q Palmer and Mary? A Yes sir.  
Q Did you enroll them or did your wife's father? A Yes sir....  
Q Were you living with Francis when she was enrolled? A Yes sir.  
Q Are you still living with her? A Yes sir.  
Q How does it come that you didn't enroll your two children and wife? A I went to notary public and had them fix blanks for Palmer and Mary and made the applications and sent them to Muskogee.  
Q Palmer and Mary you enrolled by birth affidavits? A Yes sir.  
Q Why didn't you make application for these two other children the same way--- or did you make application for these child, for Emma and Joseph James, by birth affidavits? A No sir.  
Q Why didn't you. A I made application for the enrollment of the other two children and afterwards there was notice out that there would be no more enrolling made, that was the reason that I didn't make no application for the enrollment of these two children.  
Q What time of the year was it that Joseph James died, do you remember the season of the year? A 1906.  
Q Yes but what time of the year? A March  
Q Do you remember what day in March? A March 8.  
Q Where was he buried? A Stewart.  
Q Did you buy the coffin over there at some store? A Yes sir  
Q What store? A The man who I bought the coffin from has left there.  
Q Was the man who run the store there at the time, in Stewart? A Yes sir, he was there at the time but he burned out later.  
Q The store was burned out? A Yes sir.  
Q Did you have a doctor attending Joseph James at the time he died? A Had Indian doctor.  
Q What was his name? A Isom Seeley.  
Q Does Isom Seeley still live at Stewart? A No sir, he is dead now.  
Q What kind of a book have you got this record in? A Book (indicating book about the size of a common ledger or account book) and have all the births and deaths of my children in it.  
Q Why didn't you bring that book with you? A It was too big to carry and just thought I would copy off the dates.  
Q It is not a very big book is it? A Not very big.

WRIGHT -----3.

- Q Did you write this paper yourself? A Yes sir.  
Q And you wrote the record in the book too did you? A Yes sir, I wrote it.  
Q Did you write that record in the book immediately after the events happened or did you wait some time? A The next day child was born and all the same way about the deaths, write it the next day.  
Q In the year 1906 did'nt you know that the Choctaw and Chickasaw Nation were enrolling the new born children, that the Choctaw and Chickasaw people were making application to enroll them? A I did'nt know any thing about enrolling babies in 1906, but I was notified to enroll before that time and enrolled the other two.  
Q Did'nt you know that your neighbors were enrolling their babies? A I don't remember whether any body else around there knew any thing about it or not but maybe Levi knew of it.  
Q Who was Levi? A Levi Orphan.

NOTE: Translation of papers presented by witness as to the dates and deaths of two children for whom application for enrollment is made.

"Emma Wright was born the 4th day of May, 1904 and died 28th of May, 1904.

Joseph James Wright was born the 9th day of July, 1905, and died the 8th day of March, 1906."

(Witness excused)

FRANCIS WRIGHT, being first duly sworn and examined testified as follows through George Nelson, official interpreter.

BY MR. POLLOCK:

- Q What is your name? A Francis Wright.  
Q What was your name before you were married? A Francis Wade.

NOTE: Opposite roll No. 120 on the roll of citizens by blood of the Choctaw Nation appears the name of Francis Wade, 21, female, 1/2, Census Card No. 63.

- Q Who was Ikey Wade? A My mother.  
Q You are the roll as a half blood, are you half Choctaw and half Chickasaw? A Yes sir.  
Q You are all Indian blood? A Yes sir.  
Q Are Palmer and Mary Wright your children? A Yes sir.  
Q Have you any children not on the roll? A Yes sir, two not on the roll.  
Q What is the name of the oldest one? A Emma  
Q When was Emma born? A May 4, 1904.  
Q When did Emma die? A About the last of May.  
Q Of the same month that she was born in? A Yes sir, born in May and died in the same month.  
Q Who was with you when Emma was born? A Sillen  
Q Is she related to you? A No relation.  
Q When was Joseph James born? A In 1905.  
Q How old was Joseph when he died? A He was about one year old.  
Q Do you know when he died? A Died in March  
Q What year? A 1906.  
Q Do you know the date that children had to be living to be

WRIGHT -----4.

- Q Did any one tell you that the child had to be living on March 4, 1906, to be put on the roll? A No sir.
- Q What month and date was Joseph James born? A July 9.

BY MR RODGERS:

- Q Where did you get the coffin in which Joseph James was buried? A Stewart.
- Q Do you remember what the man's name was that sold it to you? A No sir.
- Q Is he still there? A I think so.
- Q Is he still running the store there? A Yes sir, I think he has the store there yet.
- Q Is it the only store in Stewart? A No sir, there are several stores there.
- Q Could you describe this particular store? A I could not.
- Q Did you have a doctor when Joseph was sick and at the time he died? A Yes sir.
- Q What was his name? A I don't know.
- Q Was he a white man? A Yes sir.
- Q Does he still live at Stewart? A No sir, he has gone.
- Q Are you sure that he was a white doctor? A I am sure, yes sir, that he was a white doctor for the other people used to get him when sick.
- Q Do you remember his name? A No sir, I don't remember his name.
- Q Who told you and Islam that there might be a chance to enroll this child? A Arlecha Lewis.
- Q Is he an Indian? A Chickasaw Indian.
- Q Does he live at Stewart? A New Guertie.
- Q How long ago did he tell you? A It was Friday of this month.
- Q Did any white men talk to you about getting this child enrolled? A No sir.
- Q Have you and Eslam a book with the record of the births and deaths of your children in it? A Yes sir.
- Q Who wrote the record, you or Eslam? A Eslam.
- Q What kind of a book is that record copied in? A Book about 6 inches long (Indicating).
- Q About how thick? A About two inches thick (Indicating).
- Q Is it a blank book or is there printing in it? A Yes sir, blank book about the size of a ledger.
- Q Did Eslam write those records at the time they happened or afterwards? A Eslam put it in record the same day it happened.
- Q The man that furnished you the coffin to bury Joseph in--- is he the man that you keep an account with? A Yes sir, trade with that man we got coffin from.
- Q And have an account there? A No sir, no account.
- Q Do you know whether you paid cash for the coffin or had it put on account? A I don't know about that--- whether we paid for it or whether it was charged.

(Witness excused)

WRIGHT -----5.

SILLEN WADE, being first duly sworn and examined,  
testified as follows:

BY MR. POLLOCK:

- Q What is your name? A Sillen Wade.  
Q Do you know Francis Wright? A Yes sir.  
Q She is the wife of Eslam Wright? A Yes sir.  
Q Was you there when a baby was born to her? A Yes sir.  
Q What was that baby's name? A Emma.  
Q Do you know when Emma was born? A Yes sir.  
Q When was it? A In May but I don't remember the date but in 1904.  
Q How do you remember it was in 1904? A I have no way to go by that it was in 1904.  
Q Has any body told you today that it was 1904? A Eslam told me it was 1904.  
Q You only remember it was 1904 because he told you so today? A Yes sir.  
Q Do you know how long Emma lived? A I can't tell how long because I lived away from them.  
Q But you were there when the child was born? A Yes sir.  
Q Did it die pretty soon afterwards? A Yes sir.  
Q Two or three weeks or a month afterwards? A Died shortly after it was born but I could'nt tell whether two weeks.  
Q Do you know when the next child was born? A Yes sir.  
Q When was Joseph James born? A July.  
Q What year? A 1905.  
Q Were you there when Joseph was born? A Yes sir.  
Q How do you know it was in 1905? A Because the other child was born in 1904.  
Q Did Eslam tell you today that it was 1905 when Joseph was born? A Yes sir, he told me that he was born in 1905.  
Q Do you know when Joseph died? A Yes sir, well I could'nt say when the child died as I do not remember.  
Q Do you remember how old he was when he died? A About one year old for he began to sit up.

BY MR RODGERS:

- Q Did you live near Eslam and Francis at the time Joseph died?  
A I lived at Double Springs, about five miles from them.  
Q Did you attend the funeral? A No sir.  
Q Do you know what doctor they had when Joseph was sick? A I don't know.

(Witness excused, case closed)

Lee G. Grubbs, being first duly sworn, states that the above and foregoing is a true and correct copy of his stenographic notes taken in said cause and on said date above mentioned.

Lee G. Grubbs

Subscribed and sworn to before me on this the 15 day of December, 1910.

R. F. Harrison  
Clerk

Wm. Miller  
Deputy

Memo of

the 1st of

June 1860 with

regard

---

(COPY)

## Dead

Anna Wright was born May 4<sup>th</sup> 1904

And died May 28<sup>th</sup> 1904.

Joseph James Wright was born July 9<sup>th</sup> 1905

And died March 8<sup>th</sup> 1906.



Choc 6103

Mary King

Aug. 1, 1914

6103



In the matter of the application for the  
enrollment of Mary King as a citizen  
by blood of the Choctaw Nation. under the  
act of Congress approved July 1, 1902.

Muskogee, Indian Territory, December 29, 1902.

Jesse King,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Mary King, infant daughter of Jesse and Alice King, born September 17, 1902; and the same is returned to you herewith for further information relative to the mother of the child.

It is stated in the affidavit of the mother that her name is Alice King, that she is twenty years of age, a citizen by blood of the Choctaw Nation and the lawful wife of Jesse King, a citizen by blood of the Choctaw Nation.

If this is correct, you are requested to state her full maiden name, the time and place application was made for her enrollment, the names of the other members of her family for whom application was made at the same time and any other information you may have which will enable the Commission to identify Alice King as being listed for enrollment as a citizen by blood of the Choctaw Nation.

J. K. 2

Either the original certificate of marriage, or a certified copy thereof, between yourself and Alice King should be furnished the Commission, as authority for the change of her name upon our records from her maiden name to her present married name.

Upon receipt of the information herein requested, together with evidence of marriage and return of the application for the enrollment of your child, the matter will receive further consideration.

Respectfully,

End B L 180.

Acting Chairman.

7-3452  
7-3822

Muskogee, Indian Territory. May 6, 1903.

Jessie King.

Boggy Depot, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1903, returning the application for enrollment as a citizen of the Choctaw Nation of Mary King, infant daughter of Jesse and Alice King, born September 17, 1902; also certificate of marriage between Jesse King and Alice Nicholes.

It appears from our records that the application for enrollment of the above named child was first received at this office December 29, 1902, and returned to you for further information relative to the mother of the child, it having been stated in her affidavit that she is a citizen by blood of the Choctaw Nation.

It appears from the information contained in your letter and evidence of marriage forwarded by you that the mother of Mary King was listed for enrollment as Alice Nicholas.

Relative to the application for enrollment of your

J K 2

infant daughter, Mary King, your attention is invited to a provision of section 34 of the act of Congress approved July 1, 1902 which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whatsoever for enrollment shall be received after the expiration of the said ninety days."

Under the above legislation the Commission is now without authority to enroll this child.

You are further advised that under the authority vested by the act of Congress approved July 1, 1902 (32 Stat., 641), the Commission on January 9, 1903, enrolled Alice Nicholas as a citizen by blood of the Choctaw Nation, which enrollment was approved by the Secretary of the Interior February 4, 1903.

The approval of the enrollment of Alice Nicholas is final and the Commission cannot now make any change in her name and allotment of land and distribution of other tribal property will

J K 3

probably be made to her under the name of Alice Nicholas.

Your certificate of marriage is, therefore, returned to you herewith.

Respectfully,

Chairman.

Enc B I 29-103.



7-3822  
7-3404

At Muskogee, Indian Territory. May 29. 1903.

J. A. Mullen,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, referring to the application for enrollment, as a citizen by blood of the Choctaw Nation, of Mary King, infant daughter of Jesse and Alice King, born September 17, 1902, and requesting to be advised whether the child can now be enrolled.

You are advised that it appears from our records that the application for enrollment of Mary King, infant daughter of Jesse and Alice King born September 17, 1902, was first received at this office December 29, 1902, and returned to Jesse King for information relative to the mother of the child.

It further appears, that on April 24, 1903, the application for the enrollment of the above named child was again forwarded to this office, and on May 6, 1903 a letter of acknowledgement was written Jesse King inviting his attention to a provision of Section 34 of the Act of Congress approved July 1, 1902 (32 Stats., 641), which is as follows:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the

Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act for Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days"

Under the above legislation you will understand that the Commission is not without authority to receive or consider the original application for enrollment of any person whomsoever as a citizen of the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, September 8, 1904.

American Investment Co.,

Atoka, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 30, 1904 referring to the application for enrollment of Mary King, infant daughter of Jesse and Alice King, formerly Alice Nicholas, and to certain letters written by the Commission to Jesse King in relation to the same.

It appears from an examination of the application for enrollment of Mary King that she was born September 17, 1902 and that the affidavits relative to her birth were executed before a Notary Public December 23, 1902, but it does not appear that said application was received at this office until December 29, 1902 or more than ninety days after September 25, 1902 the date of the ratification by the citizens of the Choctaw and Chickasaw Nations of the act of Congress approved July 1, 1902 which provides among other things that the application for enrollment of no person whomsoever for enrollment as a citizen of the Choctaw or Chickasaw Nation should be received after the expiration of ninety days after date of said ratification.

A number of applications for the enrollment of infant children the status of which is materially the same as that of said Mar

A. I. Co., 2

King is now in the hands of the Commission for consideration, but no decision as to the disposition to be made of such applications has as yet been rendered.

Respectfully,

Chairman.

## IN RE

Application for Enrollment of

INFANT CHILD

Mary King

(as a citizen of the

Choctaw

Nation.

Approved

190

Commissioner.

Proof of birth of child for whose  
enrollment application was received  
December 29, 1902 and returned on  
Dec 29, 1902 for identification of  
the mother.

Received

DEC 29 1902

CHOCTAW  
3452 mother  
3822 father

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Mary King, born on the 17th day of September, 1902  
(Date insert name of child.)  
Name of Father: Jesse King, a citizen of the Choctaw Nation.  
Name of Mother: Alice King, a citizen of the Choctaw Nation.  
Post-Office: Coalgate, A.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Central District. }

I, Alice King, on oath state that I am 20  
years of age and a citizen, by Blood, of the Choctaw Nation;  
that I am the lawful wife of Jesse King, who is a citizen, by  
Blood, of the Choctaw Nation, that a girl child was  
(Male or female.)  
born to me on the 17th day of September, 1902; that said child has been  
named Mary King, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Alice King mark  
William Hall  
Rebecca Billy

Subscribed and sworn to before me this 23rd day of December, 1902

Jas R Wood  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Central District. }

I, Lizzie Hall, a midwife, on oath state that I  
attended on Mrs. Alice King, wife of Jesse King,  
on the 17th day of September, 1902; that there was born to her on said  
date a girl child; that said child is now living and is said to have been  
(Male or female.)  
named Mary King.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 23rd day of December, 1902

Jas R Wood  
Notary Public.

(Copy)

Muskogee, Indian Territory, November 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 28, 1907, former Commissioner Bixby called to the attention of the Department certain enrollment cases that were brought to his attention after March 4, 1907, in which it appeared that the applicants were probably entitled to enrollment but were not placed upon the final rolls of the tribes of which they were members, and that in view of Section 2 of the Act of Congress of April 26, 1906, there was no existing law under which they could obtain relief.

July 23, 1907 (I. T. 59745-1907), the Acting Commissioner of Indian Affairs in reporting in the matter, stated:

"It appears from the Commissioner's letter that the parties mentioned by him are entitled to enrollment and that for various reasons their names were not placed on the roll. As it appears to be thoroughly established that they are as much entitled to enrollment as any of the citizens of the tribes to which they belong, and as there is no existing law by which they can be enrolled, it is recommended that the list be preserved and that the Commissioner to the Five Civilized Tribes be requested to investigate further similar cases to the end that relief may be afforded to all such persons by a special act of Congress, authorizing the placing of their names on the rolls of citizens of the nations to which they belong."

This recommendation was approved by the Secretary of the Interior  
July 25, 1907.

The question of the advisability of requesting congressional action with a view to affording relief to certain persons not enrolled as members of the



Five Civilized Tribes, through fault of their own or otherwise, was again discussed in the Cherokee case of Alta May Brassfield. The Commissioner of Indian Affairs on August 21, 1907 (I. T. 69588-1907), forwarded this office, for report, a letter from John Brassfield, and on September 10, 1907 (I. T. 73379-1907), in transmitting the report of this office of August 30, 1907, stated:

"In cases such as the Brassfield, the Mitchell Adams, and a few others that have come to the notice of the Office, where the parties were not enrolled through no fault of their own, but through error of Government Officers, Congress should be requested to enact legislation authorizing their enrollment, and their names should be inserted in the law as was done by Section 9 of the Act of June 30, 1902 (32 Stat. L., 500), in the cases of Nor-wal-le-pe-ee, Mary, Walter and Willie Washington, citizens of the Creek Nation.

It is recommended that the Office be authorized to advise the Commissioner to the Five Civilized Tribes as herein indicated, and request him to prepare a list giving the names of the persons whom his record shows were legally entitled to enrollment and were omitted through oversight on the part of the Government, in order that the subject may be presented to Congress with a view to protecting their interests."

This recommendation was approved by the Secretary of the Interior September 11, 1907.

In accordance with these instructions I have investigated the records in the citizenship cases in the different Tribes and respectfully submit the following cases which I believe come within the purview of the Department's instructions, to-wit:

CHEROKEES BY BLOOD.

ACT OF JULY 1, 1902 (32 STAT., 716).

Jennie Cloud,  
Joe Kingfisher, case No. 7713.

Jennie Cloud, who is a fullblood Cherokee Indian, is a daughter of Meles Crittenden and Ka-le-nuskee; she was born in the Cherokee Nation about 13 years ago, and has continuously resided therein since her birth to the present time; her name is identified upon the 1880 Cherokee tribal roll, Goingmake district, at No. 456, as Sinthy Crittenden, and upon the 1894 Cherokee pay roll,

Goingsnake district, at No. 664, as Jennie Kingfisher.

Joe Kingfisher, born about 1892, is a son of said Jennie Cloud and one Josiah Kingfisher, whose name appears opposite No. 18653 on the approved roll of Cherokee citizens, being enrolled as a fullblood. Said Joe Kingfisher resided in the Cherokee Nation continuously from his birth until his death which occurred in 1903 or 1904. The application for the enrollment of Jennie Cloud and Joe Kingfisher was made April 15, 1902, but their case was, through an oversight, never passed upon.

Viola Grazier, case No. 4079.

Viola Grazier was born August 26, 1902, and is a child of Homer M. Grazier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Grazier, a non-citizen of the Cherokee Nation. The application for her enrollment was made October 3, 1902, and on February 20, 1907, the former Commissioner rendered his decision ordering her enrolled as a citizen by blood of the Cherokee Nation. No protest against her enrollment was filed by the attorney for the Cherokee Nation, but through oversight she was not placed upon a schedule of Cherokee citizens and forwarded for departmental approval.

Maggie Bommer, case No. 9365.

Application for the enrollment of Maggie Bommer was made June 24, 1902; she is a fullblood Indian about thirteen or fourteen years of age, a daughter of Sam Bommer, whose name appears opposite No. 18962 upon the approved roll of citizens by blood of the Cherokee Nation, and one Lydia Bommer, nee Wesley, a Cherokee, who died about twelve years ago. Maggie Bommer is identified upon the 1896 Cherokee tribal roll, Tahlequah district, at No. 219, and has continuously resided in the Cherokee Nation from the time of her birth until the present time. The case of this child was not, through inadvertence, passed upon prior to the closing of the Cherokee roll.

Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I. T. D. 8304-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertence his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval.

Eli Springwater, case No. Memo. 200.

Application for the enrollment of this applicant was made August 16, 1900. Emily A. Springwater, his mother, is a white woman and alleges that she was married to Johnson Springwater, the father of Eli Springwater, in 1888 or 1889, and that they lived together for about three years. Other than her uncorroborated testimony, there is no evidence of the marriage of herself and Springwater, but from the information received it appears that they lived together for about three years: that the child, Eli Springwater, was born while they were living together; that he was recognized in the community as their child, and also by his putative father, Johnson Springwater. The name of Eli Springwater cannot be identified upon any of the tribal rolls of the Cherokee Nation in the possession of this office. Johnson Springwater is identified upon the 1880 Cherokee tribal roll, Sequoyah district, at No. 1213, and his name appears upon the approved roll of citizens by blood of the Cherokee Nation opposite No. 25726.

Commissioner Bixby in his letter of June 28, 1907, fully advised the Department in reference to the above cases, and as to the probable cause of their being overlooked.

Alta May Brassfield, case No. 6415.

Alta May Brassfield was born June 16, 1902, and is a daughter of John Brassfield, whose name appears opposite No. 15360 upon the approved roll of citizens by blood of the Cherokee Nation, and his wife, Mary Brassfield, a non-citizen white woman. The first application made to the Commission to the Five Civilized Tribes was received September 1, 1904, too late, under the provisions of Section 30 of the Act of July 1, 1902, to be considered. The Act of April 26, 1906 (34 Stat., 137), extended the time for the reception of applications for enrollment to December 1, 1905, but the application for the enrollment of Alta May Brassfield, which was retained in the files of the Commission, was not discovered after the passage of the Act of April 26, until subsequent to March 4, 1907, and her case was not passed upon prior to the closing of the tribal rolls on March 4, 1907. Said child is living at the present time.

CHEROKEE FREEDMEN NEW BORN.

ACT OF APRIL 26, 1906 (34 STAT., 137).

Lucy Scott, New Born case No. 542.

Application was received May 21, 1906, for the enrollment under the Act of April 26, 1906, of Lucy Scott, born September 21, 1903, a child of Jim Scott, a non-citizen of the Cherokee Nation, and Mary Scott, whose name appears upon the approved roll of Cherokee Freedmen opposite No. 3722. This child was living March 4, 1906. When this application was first received Lucy Scott was listed for enrollment on Cherokee new born card No. 2757, instead of a Cherokee freedmen new born card, it being recited in the application for the child's enrollment that its mother, Mary Scott, was "a citizen by birth of the Cherokee Nation." On February 7, 1907, Commissioner Bixby ordered the transfer of the name of Lucy Scott from the Cherokee new born case to a Cherokee Freedmen new born case, it being found that the mother was enrolled as a Cherokee freedman. It appears that no further action was taken looking toward the enrollment of Lucy Scott until March 4, 1907, when Mr. Bixby wired the Department as follows:

"From evidence now in my office it appears that minor Cherokee freedman applicant Lucy Scott, is minor child of Mary Scott, Cherokee freedman roll number thirty-seven twenty-two, was born September twenty-one nineteen hundred three, living March four nineteen hundred six, made application within time limited by Act April twenty-six nineteen hundred six and has been listed on card number five forty-two. I recommend that said applicant, Lucy Scott be placed on minor Cherokee Freedmen Roll and approved."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employes then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. March 8, 1907 (I.T.D. 8200-1907), the Acting Secretary of the Interior notified the Commissioner that said telegram was not received in the Secretary's office until March 5, 1907, and that no further action could be taken.

CITIZENS BY BLOOD.

ACTS OF MARCH 1, 1901 (31 STAT., 861),  
AND JUNE 30, 1902 (32 STAT., 500).

Chishoker Mully,  
Mitchely       "  
Barney         "  
Simon          "

case No. I-3172.

April 26, 1907, Chishoker Mully appeared before the Commissioner to the Five Civilized Tribes and gave testimony in connection with the right to enrollment as citizens by blood of the Creek Nation of herself and children, Mitchely, Barney and Simon Mully, all fullblood Creek Indians. It developed that Chishoker Mully was identified upon the 1895 Creek pay roll, Ketchapataka Town, as Chishoka, but that her enrollment upon said roll had previously been accepted, through error, as that of one Watty Yahola, whose name appears upon the approved roll of Creek Indians opposite No. 2416. It was also found that her children above named, who are also identified on said roll, were listed for enrollment by the Commission to the Five Civilized Tribes on May 23, 1901, as Mitchell, Barney and Simon Wiker, and that on February 20, 1907, the Commissioner dismissed the application for their enrollment, no information having been received to show whether or not they were living and entitled to enrollment on April 1, 1899. The names of these persons also appear upon the 1890 authenticated roll of citizens by blood of the Creek Nation on page 123, Ketchapataka Town, as Chishokee, Majalla, Ferns and Barne. The evidence shows that these people lived continuously all of their lives in the Cherokee Nation (among a band of Creek Indians who settled in the Cherokee Nation about the time of the outbreak of the civil war), and that they have never been enrolled or recognized as citizens of any tribe of Indians other than the Creek.

ACT OF APRIL 24, 1906, (34 STAT., 137).

Sallie Foster, Creek HS No. 370.

June 19, 1906, application was made to the Commissioner

to the Five Civilized Tribes for the enrollment of Sallie Foster, born January 17, 1905, as a citizen by blood of the Creek Nation under the Act of April 26, 1906. Said Sallie Foster is a child of Noah Foster, whose name was identified upon the approved roll of Creek Indians opposite No. 477, and Jennatta Foster. February 27, 1907, the Commissioner rendered his decision denying the application for the enrollment of said child for the reason that sufficient information was not secured to determine whether or not said Jennatta Foster was a Creek citizen, or whether or not she and Noah Foster were married. Said decision was, on that date, forwarded to the Department. March 4, 1907, the parents of this child appeared before the Commissioner and gave testimony in the matter of its enrollment, from which it was found that the child's mother is enrolled upon the approved roll of Creek citizens opposite No. 3907, as Jonette Johnson, and on that day the Commissioner wired the Department as follows:

"Referring to Creek New Born case of Sallie Foster transmitted on February twenty seven, nineteen hundred seven, together with decision denying for insufficient evidence, the parents of said child have this evening appeared and from their testimony mother is identified as Jonette Johnson opposite Creek Indian Roll No. thirty-nine hundred seven. I therefore recommend that name of said Sallie Foster be this day placed upon Creek New Born Schedule and approved. Child one year old. Sex female, blood full, card No. three hundred seventy."

Hearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. The telegram probably not having reached the Department until after March 4, 1907, the Department, on that date (I. T. D. 7830-1907), affirmed the Commissioner's decision.

**Robert Bullocks, Creek Freedmen New Born.**

The mother of Robert Bullocks is Berena Bullocks, who, with her other children, Beanie Harris, Minnie Vincent and Lou Willie Bullocks, were first enrolled as Chickasaw freedmen, opposite Nos. 1693, 1694, 1695 and 1700, respectively, upon a schedule of Chickasaw freedmen approved by the Department December 12, 1902. The name of Robert Bullocks appears upon a schedule of Chickasaw freedmen approved by the Department October 15, 1903, opposite No. 4318. Berena Bullocks having



elected to have herself and children enrolled as Creek freedmen, Commissioner Bixby transmitted to the Department on October 28, 1905, the record of proceedings had in the matter of their application for enrollment as Creek freedmen, and expressing the opinion that they were clearly entitled to enrollment as Creek Freedmen, recommended that their enrollment as Chickasaw freedmen be cancelled, and stated that when such action was taken "a decision enrolling them as Creek freedmen will be rendered." He also stated that there was, at the time of his report, no authority of law for the enrollment of the minor child, Robert Bullocks, as a citizen of the Creek Nation, and recommended that his enrollment at No. 4318 upon the final roll of Chickasaw freedmen be permitted to stand. Forwarding the report to the Department on September 14, 1906, (Land 88437-1906), the Commissioner of Indian Affairs concurred in the recommendation of Commissioner Bixby. October 31, 1906, (I.T.D. 73098-1906), the Department remanded the case to the Commissioner for readjudication in accordance with the law existing at that time. January 21, 1907, the Commissioner again forwarded the record to the Department and concluded his report as follows:

"If the said Robert Bullocks was living March 4, 1906, then he is a person entitled to make application for enrollment under the provisions of said Section (2 of Act of April 26, 1906), and in my opinion his application made August 22, 1902, should be considered as a continuing application requiring action thereon in the light of said Section 2 of the Act of April 26, 1906 . . . . .

I have therefore notified the mother of said Robert Bullocks, who is a minor, that if she desires the said Robert Bullocks to be enrolled as a Creek freedman, it is imperative that she immediately furnish proof that he was living March 4, 1906. In the event that such proof is furnished, I will prepare and transmit a decision similar to the decision transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and will also transmit with said decision a separate schedule containing the name of Robert Bullocks.

In the event such proof is not furnished, and he is not enrolled as a Creek freedman, his enrollment as a Chickasaw freedman should, of course, be allowed to stand.

In forwarding the report to the Department the Indian Office, on February 21, 1907, (Land 9086-1907), concurred in the recommendation of the Commissioner, and on February 27, 1907 (I.T.D. 4732-1907), the Department approved the enrollment of Serena Bullocks, Beadie Harris, Minnie Vincent and Lou Willie Bullocks as Creek freedmen, and granted authority for the cancellation of their names from the roll of Chickasaw freedmen. Their names appear upon the final roll of Creek freedmen opposite Nos. 5694 to 5697, inclusive.



From affidavits executed by Serena Bullocks February 8, 1907, and Mary Bullocks February 9, 1907, it is shown that said Robert Bullocks was born September 19, 1901, and was living on March 4, 1906. These affidavits apparently reached the Commissioner too late to report the case to the Department and secure the enrollment of this child as a Creek freedman now born and have his name stricken from the Chickasaw freedman roll. Before this child is enrolled as a citizen of the Creek Nation, proper authority should be secured for the cancellation of his name at No. 4318, from the approved roll of Chickasaw freedmen. No application for the selection of an allotment of land in the Choctaw or Chickasaw Nation for said Robert Bullocks has been made.

MISSISSIPPI CHOCTAWS.

ACTS OF JUNE 28, 1898 (30 STAT., 495),  
AND JULY 1, 1902 (32 STAT., 641).

Maggie Nickey, (now John),  
Billy Nickey,  
Sam Nickey,  
Bettie Russell Nickey,  
Mollie Mass Nickey.

These applicants were embraced in the Mississippi Choctaw application of Nancy Nickey made at Meridian, Mississippi, April 25, 1901, for the identification of herself and said children, and also for her child, Lizzie Nickey, who died in the year 1901, as Mississippi Choctaw. Said Nancy Nickey was identified as a full-blood Mississippi Choctaw May 17, 1904. September 13, 1904, the Commission to the Five Civilized Tribes denied the identification as full-blood Mississippi Choctaw of the above named children, and said decision was approved by the Department December 13, 1904 (I. T. D. 12338-1904).

January 12, 1907 (I. T. D. 82-1907), the Department ordered a rehearing in the matter of the application of said Maggie Nickey, and on March 4, 1907, Commissioner Sixty wired the Department as follows:

"Referring to Departmental letter of January twelfth, nineteen seven (I. T. D. eighty-two-nineteen seven), ordering rehearing in application of Maggie Nickey, now Maggie John, for identification as Mississippi Choctaw, sufficient evidence has been received by me today to identify this applicant as full-blood Mississippi Choctaw, and such action has accordingly been taken on this date by me. Sufficient evidence is also on file with this

office showing bona fide settlement within Choctaw-Chickasaw Country. Recommend that her name be placed on schedule of identified Mississippi Choctaws and also on final roll of Mississippi Choctaws and approved by you today. Maggie Hickey is twenty years old, removed to Choctaw-Chickasaw Country in February nineteen hundred three, and submitted proof of settlement on February fifth, nineteen seven. Her name appears on Mississippi Choctaw card number nine hundred seventeen."

March 13, 1907 (I. T. D. 8210-1907), the Department advised the Commissioner that as the telegram was not received until March 5, 1907, "it is not considered that the Department has now the authority to place said Maggie Hickey, or Maggie John, upon the roll of Mississippi Choctaws."

On March 4, 1907, the Commissioner rendered his decision refusing the application of Lizzie Hickey for identification, she having died too soon to be entitled to such identification, and granted the application for the identification of said Maggie, Billy, Sam, Bettie Russell and Mollie Mass Hickey as fullblood Mississippi Choctaws. The Commissioner advised the Department of this action on March 6, 1907, and stated that

"Considering, however, the fact that but a few hours remained before the closing of the rolls of citizenship, no action was taken as to the notification of said parties as to their identification for the reason that the said Billy and Sam Hickey are residents of Paulding, Mississippi, Bettie Russell Hickey of Mossell, Mississippi, and Mollie Mass Hickey of Sylva, Mississippi, and it would have been impossible for them to have removed to and settled within the Choctaw-Chickasaw country and submitted proof thereof, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641), within time for their enrollment to have been approved by you on March 4, 1907."

March 16, 1907 (I. T. D. 8510-1907), the Department in reply to the Commissioner's letter, stated that it had no authority to further act in the case.

I believe that authority should be granted for the placing of the name of Maggie Hickey upon the final roll of Mississippi Choctaws, and that upon her compliance with the law, a final allotment of land be given her. As to the other applicants first named, I believe that a reasonable time, say six weeks, should be given them within which to establish a bona fide residence in the Choctaw-Chickasaw country, and that upon the proof of such settlement they be enrolled as Mississippi Choctaws, and upon their compliance with the law as related to Mississippi Choctaws, they be given final allotments of land in the Choctaw-Chickasaw country.

Clemogene Farve,  
Elizabeth Farve.

On February 27, 1907, (I. T. D. 4712, 4764, 4770, 5186, 5238, 5432-1907, 1806-1906, 4224-1907), the Department reversed the decisions of the Commission, and the Commissioner to the Five Civilized Tribes, dated March 30, 1904, and December 31, 1906, respectively, rejecting the applications of Clemogene and Elizabeth Farve, among others, for identification as Mississippi Choctaws, and ordered said applicants identified as such. In accordance with said decision the Commissioner on March 2, 1907, rendered his decision identifying these applicants as fullblood Mississippi Choctaws. Said applicants were notified on March 2, 1907, of their identification as Mississippi Choctaws and advised of what action was necessary on their part to protect their rights. It is apparent that said applicants did not have time to remove to, and make settlement in the Choctaw-Chickasaw country, and to make proof of such settlement within time to have their enrollment approved by March 4, 1907.

Sallie Charlas,  
Minnie Charlas,  
Bettie Charlas,  
Louisa Charlas,  
James Charlas,

On February 20, 1907, (I. T. D. 3954-1907), the Department, in accordance with an approved opinion of the Assistant Attorney-General dated February 16, 1907, directed the Commissioner to identify the above named applicants as Mississippi Choctaw Indians. The Commissioner's decision in conformity with said direction, was rendered February 23, 1907. These applicants live in Leake County, Mississippi, and they did not have sufficient time after their identification within which to remove to and settle in the Choctaw-Chickasaw country and make proof of such settlement in time to secure their enrollment by March 4, 1907.

CHOCTAW AND CHICKASAW CITIZENS.

ACT OF JULY 1, 1902 (32 STAT., 641).

Mary King. Choctaw by blood.

Application was received by the Commission to the Five Civilized Tribes on December 29, 1902, for the enrollment of Mary King, born September 17, 1902, and living September 25, 1902, who is a child of Jesse King, whose name appears upon the approved roll of Choctaw citizens opposite No. 10778, and Alice King, nee Nicholas, whose name appears opposite Choctaw roll No. 9837. This application was received too late under the Act of July 1, 1902 for the child to have been enrolled when the application for it was received.

Ecius Shields,

Barney Shields, Chickasaw by blood.

Applications for the enrollment as citizens by blood of the Chickasaw Nation were received by the Commission to the Five Civilized Tribes on December 31, 1903, for Ecius Shields, born January 10, 1900, and on October 12, 1904, for Barney Shields, born October 1, 1901. These applicants are the children of Simon and Mandy Shield (Shields), whose names appear opposite Nos. 637 and 253, respectively, upon the approved roll of citizens by blood of the Chickasaw Nation, and were living September 25, 1902.

Gilbert McKinney, Choctaw freedman.

Application was received on March 10, 1903, for the enrollment of this applicant as a Choctaw freedman. He was born September 2, 1900, and was living September 25, 1902, and is the child of Belling McKinney, whose name appears opposite No. 5536 upon the approved roll of Choctaw freedmen. The enrollment of Belling McKinney with his other four minor children was approved by the Department March 4, 1907, but the applicant, Gilbert McKinney, whose case was embraced in that of his father and sisters, was not enrolled. The Commissioner advised the Department in reference to this case in his letter of June 28, 1907, herein above referred to.

Lena Dunford, Cheetaw freedman.

Application was received December 26, 1902, for the enrollment of Lena Dunford, born December 10, 1895, and who was living September 25, 1902, as a Cheetaw freedman. Lena Dunford is a child of Terry Dunford, whose name appears opposite No. 3405 upon the approved roll of Cheetaw freedmen, and Louisa Dunford, nee Hicks, to whom Terry Dunford was married about 1891 or 1892.

Della Chester, Cheetaw freedman.

December 26, 1902, there was received an application for the enrollment of Della Chester as a Cheetaw freedman. Said Della Chester was born May 1, 1902, was living September 25, 1902, and is a child of Hester Chester, whose name appears opposite No. 872 upon the approved roll of Cheetaw freedmen.

Martha Ann Owens,

Henry Owens, Cheetaw freedman.

Applications were received December 29, 1902, by the Commission to the Five Civilized Tribes for the enrollment of Martha Ann Owens, born November 18, 1899, and Henry Owens, born January 26, 1902, and who were living September 25, 1902. These applicants are the minor children of Tom and Charlotte Owens, whose names appear opposite Nos. 2779 and 2780, respectively, upon the approved roll of Cheetaw freedmen.

Seamus Higgins,

Roberta Higgins, Cheetaw freedman.

Applications for the enrollment of these children appear to have been received at the postoffice in Muskogee, Indian Territory, on December 22, 1902, and at the office of the Commission to the Five Civilized Tribes on December 24, 1902. There is,

however, a note placed upon the applications for their enrollment to the effect that they were "received December 25, 1902," but the question as to whether or not they were received within the time limited by the Act of July 1, 1902, was never determined by the Commission. They are the minor children of Ella Butler, whose name appears opposite No. 727 upon the approved roll of Choctaw freedmen; they were born July 12, 1900, and April 26, 1902, respectively, and were living September 25, 1902.

The applications of the above named applicants, except that of Caroline Cals, for enrollment as citizens of the Choctaw and Chickasaw Nations appear to have been received too late under the Act of July 1, 1902, to entitle them to enrollment under said act as citizens of said Nations. The applications were retained in the possession of the Commission, but they appear to have never received consideration, except the case of Gilbert McKinney, after the passage of the Act of April 26, 1906, extending the time for the reception of applications for enrollment to December 1, 1905, or to have been discovered between April 26, 1906, and March 4, 1907.

ACT OF APRIL 26, 1906 (34 STAT., 137).

CHOCTAW FREEDMEN BORN BORN.

El Johnson,  
Charley Johnson,

Applications for the enrollment of these applicants appear to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906; they were born March 5,

1904, and May 2, 1905, respectively; were living March 4, 1906, and are children of Martin Johnson, whose name appears opposite No. 784 upon the approved roll of Choctaw freedmen, and his wife, Mary Johnson, a non-citizen of said Nation. The Commissioner, on March 4, 1907, received sufficient information to show that these children were entitled to enrollment as minor Choctaw freedmen, and on that day telegraphed the Department and recommended that their names be placed upon the roll. The telegram appears to have been received on March 5, 1907, too late for said children to be enrolled.

**Harrison James.**

The application for the enrollment of this applicant appears to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Harrison James was born April 1, 1905, was living March 4, 1906, and is a minor child of Jim and Molly James, whose names appear opposite Nos. 3444 and 3451, respectively, upon the approved roll of Choctaw freedmen. Sufficient information to show that this child was entitled to enrollment was not received until March 4, 1907, and on that day the Commissioner telegraphed the Department and recommended that said child be placed upon the final roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

**Carl Harrison,  
Brillie Harrison.**

It appears that applications were filed with the Commissioner to the Five Civilized Tribes on March 5, 1906, for the enrollment of Carl and Brillie Harrison. They are the children of Brigham Y. and Mary Harrison, whose names appear opposite Nos. 1953 and 3469, respectively, upon the approved roll of Choctaw freedmen. They are minors, aged about four and three years, respectively, and were living March 4, 1906. Sufficient information was not obtained until March 4, 1907, to determine the right of these children to enrollment, and on that day Commissioner Risty



wired the Department and recommended that their names be placed upon the approved roll of minor Choctaw freedmen; but the telegram appears to have not been received until March 5, 1907, too late for said children to be enrolled.

**Ida Bird,**

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Ida Bird was born about June 15, 1902, was living March 4, 1906, and is the child of Sophia Hall, whose name appears opposite No. 834 upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received until March 4, 1907, when the Commissioner telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

**Estoria Hall.**

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Estoria Hall was born May 2, 1900, was living March 4, 1906, and is a minor child of Thomas Hall and Malinda Hall (enrolled as Malinda Jensen), whose names appear opposite Nos. 5300 and 619, respectively, upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received by the Commissioner until March 4, 1907, when Mr. Bixby telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. The telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Andy Butler,  
Georgan Butler.

The application for the enrollment of these applicants under the provisions of the Act of April 26, 1906, was received July 25, 1906, and they were listed for enrollment on Chickasaw freedmen new born card No. 409, the application reciting that the same was made for the enrollment of the children as "freedmen of the Chickasaw Nation." February 20, 1907, the Commissioner dismissed the application for their enrollment as Chickasaw freedmen in accordance with the approved opinion of the Assistant Attorney-General for the Interior Department dated November 15, 1906, holding that children of Chickasaw freedmen were not entitled to enrollment under the provisions of the Act of April 26, 1906.

In the caption of the application for the enrollment of these children it is recited that their father is a freedman of the Choctaw Nation, but in the affidavit of the mother as to the children's birth it is stated that their father is a citizen of the Chickasaw Nation. Andy and Georgan Butler were born October 17, 1902, and August 7, 1905, respectively, and are children of Charley Butler and Carrie Butler, whose name appears opposite No. 1716 upon the approved roll of Chickasaw freedmen. Subsequent to March 4, 1906, it was discovered that said Charley Butler is a duly enrolled Choctaw freedman, his name appearing opposite No. 2426 upon the approved roll of such citizens. Evidence of marriage on file with this office shows the lawful marriage of the parents of these children on April 19, 1900. The children were living on March 4, 1906, and were lawfully entitled to enrollment as Choctaw freedmen on March 4, 1907.

Hattie Burris,  
Isaac Burris,  
John Burris,

March 4, 1907, Commissioner Bisby rendered his decision granting the application for the enrollment as minor Choctaw freedmen under the Act of April 26, 1906, as amended by the Act of June 21, 1906 (34 Stat., 325), of Hattie, Isaac and John Burris. On that day the Commissioner telegraphed the Department of his action and recommended that their names be placed upon a schedule of minor Choctaw freedmen and approved by the Department. On that day he also addressed a letter to the Department confirming the telegram and transmitting the record of proceedings in the case. March 9, 1907 (L. T. D. 8206-1907), the Department advised the Commissioner that his telegram was not delivered until March 5, 1907, and no further action could be taken in the case.

These children were born, Hattie April 28, 1901, Isaac December 5, 1902, and John Burris January 29, 1904, are the legitimate children of Turner Burris, whose name appears opposite No. 4870 upon the approved roll of Choctaw freedmen, and Etta Burris, a non-citizen, and were living March 4, 1906.

There is also called to the attention of the Department, for such action as it desires to take, the Mississippi Choctaw case of Mitchell C. Adams, referred to in the Indian Office' letter of September 10, 1907, special reference being made to his application for the identification of his minor children.

January 13, 1906 (I.T.D. 1312, 18094-1905), the Department approved the decision of the Commission to the Five Civilized Tribes dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M., Nora M., and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife, Nannie C. Adams, as a citizen by intermarriage, of the Choctaw Nation. On March 3, 1907, Commissioner Sixby, having received a telegram dated March 2, 1907, from A. F. McGarr, who was an employe of the Commission then stationed in Washington, stating that the Department had directed the identification of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams (Mitchell C. Adams, Jr., died in 1898 or 1899), as Mississippi Choctaws, rendered his decision identifying them and on that day wired said employe of his compliance with the Department's directions, and stated that as the records did not show that said persons had ever removed to and settled within

the Choctaw-Chickasaw country, no action would be taken other than their identification. Subsequent to the rendition of said decision the Commissioner received the Department's decision in the case dated March 2, 1907 (L. T. D. 5742-1907), wherein the decision of the Commission of January 19, 1905, adverse to the applicants, was reversed except as to said Mammie C. Adams. This action was taken in accordance with the approved opinions of the Assistant Attorney General of February 20, 1907, and February 26, 1907. Said Mitchell C. Adams was ordered identified as a fullblood Mississippi Choctaw Indian, and in connection with the identification of Adams' children the Department states that:

"In the concluding paragraph of the above cited opinion recommendation is made that no action should be taken at this time looking to the enrollment of Adams' family. This recommendation is approved only to the extent that they should not now be finally enrolled as citizens.

In accordance with the approved opinion of the Assistant Attorney General of February 16, 1907, in the case of the infant children of Nicholas Charles, et-al., based on Section 2 of the act of April 26, 1906 (34 Stat., 137), the children of Mitchell C. Adams are entitled to identification as Mississippi Choctaws, if said children were miners living on March 4, 1906.

It appears that when the record was made up Lillie M., Nora M., and William C. Adams were the living minor children of Mitchell C. Adams, and that Mitchell C. Adams, Jr., has since died.

Accordingly you are also directed to identify Lillie M., Nora M., and William C. Adams as Mississippi Choctaws, following said opinion in the Charles case."

Mitchell C. Adams resides at Bluefield, West Virginia, and it would have been impossible for him to have removed to and settled within the Choctaw-Chickasaw country and submitted proof of such settlement within time for his enrollment to have been approved by the Department on March 4, 1907.

The children of Mitchell C. Adams, being of the mixed blood, and no attempt being made to prove that they are the descendants of a beneficiary under the fourteenth article of the treaty of 1830, were not entitled to identification as Mississippi Choctaw Indians under the Act of July 1, 1902. It is not clear as to the right of these children under the Act of April 26, 1906, considering their case in the light of the Department's decision in the Nicholas Charles, et al., case above referred to, and its decision of May 25, 1906 (L. T. D. 5066, 17850-1905, 9023-1906), in the Willis Willis case. Had Mitchell C. Adams, after his identification as a Mississippi Choctaw Indian, made proof of settlement within the Choctaw-Chickasaw country and been duly enrolled as a Mississippi Choctaw, and his enrollment approved by the Secretary of the Interior, his said children would have been entitled to enrollment under the Act of April 26, 1906, as amended by the Act of June 21, 1906, as the minor children of a duly enrolled Mississippi Choctaw Indian, provided they were minors living March 4, 1906.

The Commissioner's decision in this case of March 3, 1907, is inclosed; the record in the case was transmitted to the Department October 21, 1906.

The records of proceedings in a number of the above cases have been heretofore forwarded, and, with the date of the letter of transmittal, are as follows:

Sallie Foster, Creek New Bern. February 27, 1907.

Clanogene Farve, et al., Mississippi  
Choctaw (In consolidated case of  
Nancy Agloff, et al., M.C.R. 2370). December 21, 1906.

Gilbert McKinney, Choctaw Freedmen,  
(In case of Boling McKinney, et al). February 26, 1907.

Hattie Harris, et al.,  
Choctaw Freedmen New Bern. March 4, 1907.

Mitchell C. Adams, et al.,  
Mississippi Choctaw. October 21, 1905.

The records in the other cases above referred to are  
transmitted herewith.

Respectfully,

JCR (LS)

Commissioner.

Incl. S-35.

S. A. APPLE

WIRT FRANKLIN

**APPLE & FRANKLIN**

ATTORNEYS AND COUNSELORS AT LAW

**ARDMORE, OKLA.**

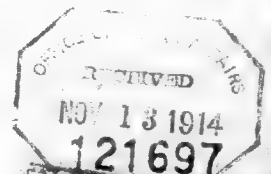


September 23rd, 1914.

Hon. Dana H. Kelsey,

Supervisor in Charge,

Union Agency, Muskogee, Okla.



Dear Sir:

There is enclosed, herewith, the claim of Kap & Merillat, James K. Jones and Apple & Franklin, to attorneys' fees for representing Mary King, in her application for citizenship, to which claim is attached a <sup>copy of</sup> contract signed by Jessie King and Alice King, heirs of the said Mary King, deceased, which said contract is dated Sept 18th, 1908.



Please acknowledge receipt of this claim and papers thereto attached and file our claim for action by the Department.

Very truly yours,

APPLE & FRANKLIN.

SAA.A.

By

*S. Apple*



No. \_\_\_\_\_

Mary King  
Chertow - 1914

Atto. Mary King  
Kappeler & Milllet  
James A. Apple & Franklin

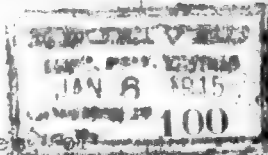
APPLE & FRANKLIN  
ATTORNEYS-AT-LAW  
ARDMORE, OKLAHOMA

DEPARTMENT OF INTERIOR.  
UNITED STATES INDIAN SERVICE  
UNION AGENCY-OKLAHOMA.

oOoOoOo

In the matter of enrollment of Mary King as a citizen by blood of the Choctaw Nation, under act of 1914.

ATTORNEYS' CLAIM FOR FEES.



The claimants, Kappler & Merillat and James K. Jones, Washington, D. C. and Apple & Franklin, of Ardmore, Oklahoma, submit through the Secretary of Interior, this their claim against the estate of Mary King, deceased, for services rendered said estate in the citizenship case which has terminated in the enrollment of the name of Mary King as a Choctaw Indian, under the act of Congress approved August 1st, 1914, in the amount agreed upon in the contract with the administrator of said estate, which contract is attached hereto and made a part of this claim. Said contract of employment was submitted to the Probate Court of Atoka County, Oklahoma, and was by the County Judge thereof, duly examined and approved.

Claimants further state that they have performed the services contracted for by the prosecution of said citizenship case for the past seven years or more; that they have pressed said claim before every session of Congress of the United States and before the Department of Interior and all officials thereof having to do with citizenship in the Five Civilized Tribes during said time; that without the services of attorneys and such efforts as these attorneys have put forth in this case, the enrollment of said Mary King would never have been accomplished; and that the fees contracted for are not exorbitant nor in excess of what they should be considering their value to the estate of the deceased.

Claimants further state that they have expended large amounts of money for travelling expenses to and from Washington, D. C. and to different parts of the State of Oklahoma, in the discharge of their obligations in such employment contract; that they have not kept an accurate account of the expenses in this particular case but they estimate the sum expended in the development and prosecution of this claim to be about \$150.00 which sum includes probate costs and the expenses of the guardian advanced by these claimants.

Wherefore said attorneys ask that their claim for fees be allowed in the amount mentioned in said attached contract and that the Secretary of the Interior, under the authority conferred upon him by the act of Congress approved August 1st, 1914, pay their said fees one-half thereof to Kappler & Merillat and James K. Jones, and the other half to Apple & Franklin, at time of settlement of the estate of said Mary King, deceased.

STATE OF OKLAHOMA. )  
CARTER COUNTY. )

*Kappler & Merillat & James K. Jones*  
*Apple & Franklin*

I, S. A. Apple, one of the above mentioned attorneys, state upon oath that the matters and facts set forth in the foregoing statement, are true and correct as I verily believe.

*S. A. Apple*

Subscribed and sworn to before me a Notary Public, in and for said County of State, this 23 day of September 1914.

*My Commission Expires Feb 12 1918.*

*H. T. Harred*  
Notary Public.

CONTRACT AND POWER OF ATTORNEY.

WHEREAS, Mary King, infant daughter of Jessie King and Alice King, is a Choctaw Indian, and as such entitled to share in the distribution of the lands and funds belonging to said Tribe in Oklahoma (formerly Indian Territory);

AND WHEREAS, said rolls of citizenship were formally closed on March 4th, 1907, without the name of the above named person being approved thereon, although entitled to be adjudged a member of said Tribe of Indians;

AND WHEREAS, to procure rights as a citizen and a share in the tribal lands and funds of said Tribe and recognition as member-- of said tribe of Indians, it is necessary that attorneys be employed to represent said person before the Department of the Interior, in the Courts and before any tribunal to which it may be necessary or expedient to carry said cause;

NOW THEREFORE, we, Jessie King and Alice King, the parents and sole heirs of said Mary King, agree to pay Kappler & Merillat, a law firm composed of Chas. J. Kappler and Chas. H. Merillat, of Washington, D. C. and Apple & Franklin, a law firm composed of S. A. Apple and Wirt Franklin, of Ardmore, Oklahoma, whom we have employed as such attorneys in said cause, a fee or compensation equal to twenty per centum of the value of all lands that may be finally allotted to said person, as member, of said tribe of Indians and also twenty per centum of all moneys that may be distributed to said person by said tribe, or by the United States acting for said Tribe, as a result of the enrollment or recognition by the department of the Interior, or other authority as member of said Tribe. The officers of the Government of the United States or of the said Tribe are hereby directed to deliver to said attorneys any check, draft, certificate or other medium of payment that may be issued in settlement of the share of said person in the tribal funds that may be distributed at any time hereafter, and a lien upon said check, draft, or certificate or other medium of payment is hereby recognized by us in favor of said attorneys for said fee or compensation until payment thereof in full; and we also agree that any costs necessary to the prosecution of these claims may be charged against said lands and moneys in the same manner as said fees are charged, such costs to include court costs, necessary printing, etc.

The said attorneys are hereby empowered and authorized to take whatever steps they may deem necessary or expedient in the matter of procuring said recognition of said rights, and it is hereby expressly agreed that said powers herein conferred are irrevocable.

IN FURTHER CONSIDERATION of the services rendered and to be rendered by said attorneys it is hereby agreed that upon the determination of the property rights of the person hereinabove enumerated, and for whom we are acting as next friend and natural guardian, that we will apply to the proper court for letters of administration of the estate of said Mary King, who is now deceased, or waive our right to so apply in favor of such person as said attorneys may select, and in the event we do not so apply or waive our said right to apply within ten days after receipt of notification of said favorable determination of the property rights of said person, we hereby agree that this contract shall operate as such waiver of said rights to so apply, in favor of such person as said attorneys may select.

Witness our hands and seals this 18th day of Sept, 1908.

Signed: L. E. EDDY

( Signed)

JESSIE KING,

Signed: Everett Fahmy

her  
ALICE KING

mark

STATE OF OKLAHOMA. ) ss.  
CARTER COUNTY. )

CERTIFICATE.

I, H. T. Harreld, a Notary Public, in and for Carter County, State of Oklahoma, hereby certify that I have compared the foregoing copy of attorneys' contract and that the same is a literal, true and correct copy of the original which original bears the signatures of Jessie King, and Alice King, by her mark.

Witness my hand and official seal on this 23 day of September, 1914.

My commission expires on the 12th day of February, 1918.

H. T. Harreld

Notary Public.

CONTRACT AND POWER OF ATTORNEY.

WHEREAS, Mary King, infant daughter of Jessie

King and Alice King, is a Choctaw

Indian—and as such entitled to share in the distribution of the lands and funds belonging to said Tribe in Oklahoma (formerly Indian Territory);

AND WHEREAS, said rolls of citizenship were formally closed on March 4, 1907, without the name—of the above named Person—being approved thereon, although entitled to be adjudged member of said Tribe of Indians;

AND WHEREAS, to procure rights as citizen and a share in the tribal lands and funds of said Tribe and recognition as members of said Tribe of Indians, it is necessary that attorneys be employed to represent said person—before the Department of the Interior, in the Courts and before any tribunal to which it may be necessary or expedient to carry said cause;

NOW, THEREFORE, we, Jessie King and Alice King,

the parents of said Mary King,

agree to pay Kappler & Merillat, a law firm composed of Chas. J. Kappler and Chas. H. Merillat, of Washington, D. C. and Apple & Franklin, a law firm composed of S. A. Apple and Wirt Franklin, of Ardmore, Oklahoma, whom we have employed as such attorneys in said cause, a fee or compensation equal to twenty per centum of the value of all lands that may be finally allotted to said person— as member of said Tribe of Indians and also twenty per centum of all moneys that may be distributed to said person— by said Tribe, or by the United States acting for said Tribe, as a result of her enrollment or recognition by the Department of the Interior, or other authority as member of said Tribe. The officers of the Government of the United States or of the said Tribe are hereby directed to deliver to said attorneys any check, draft, certificate or other medium of payment that may be issued in settlement of the share of said person— in the tribal funds that may be distributed at any time hereafter, and a lien upon said check, draft, or certificate or other medium of payment is hereby recognized by us in favor of said attorneys for said fee or compensation until payment thereof in full; and we also agree that any costs necessary to the prosecution of these claims may be charged against said lands and moneys in the same manner as said fees are charged, & such costs to include court costs, necessary printing, etc.

The said attorneys are hereby empowered and authorized to take whatever steps they may deem necessary or expedient in the matter of procuring said recognition of said rights, and it is hereby expressly agreed that said powers herein conferred are irrevocable.

IN FURTHER CONSIDERATION of the services rendered and to be rendered by said attorneys it is hereby agreed that upon the determination of the property rights of the person hereinabove enumerated, and for whom ~~we are~~ acting as next friend or natural guardian, that we will apply to the proper court for letters of administration or guardianship or curatorship for or on behalf of the estate of the said Mary King

who is now deceased,

or waive our right to so apply in favor of such person as said attorneys may select, and in the event we do not so apply or waive our said right to apply within ten days after receipt of notification of said favorable determination of the property rights of said person— we hereby agree that this contract shall operate as such waiver of said rights to so apply, in favor of such person as said attorneys may select.

WITNESS our hands and seals this 18th day of Sept., 1908.

Jessie King  
Alice King

Jessie King  
Alice King

Shor  
16250



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DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES

MAY 27 1915

In the matter of the enrollment of Mary R. Eddy as a citizen of \_\_\_\_\_ Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name L. E. Eddy, Age \_\_\_\_\_ years, P.O. 657 Admore Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Guardian

4. What are the names of the parents of such person?

Father: (See records) Mother: (See records)

5. James R. Jones Atty. of Washington D.C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. No

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No

9. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment.

None except as filed by Aspler Franklin - and this I am informed includes Jones -

(Sign here)

Dated at Admore Okla.  
May 27 1915

51708



2hr.  
16250

Blank No. 760.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

MAY 27 1915

In the matter of the enrollment of Mary King as a citizen of \_\_\_\_\_ Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?  
Name L. E. Eddy, Age \_\_\_\_\_ years, P.O. 657 Ardmore Okla
2. What are the names of your parents?  
Father: \_\_\_\_\_ Mother: \_\_\_\_\_
3. If you are not the enrolled person first above mentioned, how do you represent such person?  
Guardian
4. What are the names of the parents of such person?  
Father: (See records) Mother: (See records)
5. Raphael & Merrill Atty. of Wilmington Del. has filed a claim for services rendered in connection with the enrollment of the person first above named.
6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. No. Not directly, but I understood they were interested with the above firm to get certain people enrolled.
7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No
9. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. None except as filed by Apple & Francis and which includes Raphael & Merrill

(Sign here)

Dated at Ardmore Okla  
May 24 1915.

L. E. Eddy  
Edm



blor  
16250

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DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Mary King as a citizen of \_\_\_\_\_ Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name L E Eddy, Age 657 years, P.O. Admore Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Guardian

4. What are the names of the parents of such person?

Father: (See records) Mother: (See records)

5. Apple & Franklin Atty. of Admore Okla has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. yes

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No.

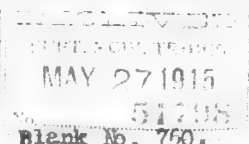
8. Please attach copies of any papers, receipts, correspondence, or a statement, as to any verbal contracts with attorneys relating to fees covering this employment. Attorneys have filed contract executed by me.

(Sign here)

Dated at Admore Okla.

May 24 1915

Chor  
16250



DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Mary Ring as a citizen of \_\_\_\_\_ Nation, under the act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name L. E. Eady, Age \_\_\_\_\_ years, P.O. Box 657 - Admore Okla

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

Guardian

4. What are the names of the parents of such person?

Father: (See records) Mother: (See records)

5. Walter Ballinger Atty. of Washington Dc has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. No. None whatever! and if it had not been for Ballinger this party would have been enrolled long before she was.

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. No

8. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. None with Ballinger

Contract was with Apple & Franklin that already filed -

(Sign here)

L. E. Eady  
Okla.

Dated at

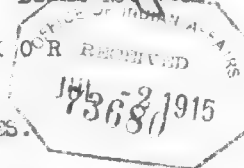
Admore Okla.  
May 24 1915

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June 12<sup>ing</sup>

Boylgate. O. H.

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DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE.  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Mary Ring as a citizen of \_\_\_\_\_ Nation, under the Act of Congress approved August 1, 1914.

1. What is your name, age and post office address?

Name \_\_\_\_\_, Age \_\_\_\_\_ years, P.O. \_\_\_\_\_

2. What are the names of your parents?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

3. If you are not the enrolled person first above mentioned, how do you represent such person?

4. What are the names of the parents of such person?

Father: \_\_\_\_\_ Mother: \_\_\_\_\_

- 2090 5. Rafferty & Merrill Atty. of Washington D.C. has filed a claim for services rendered in connection with the enrollment of the person first above named.

6. Was any contract or agreement, written or implied by letter or otherwise, entered into with such attorney or attorneys to prosecute the claim for such enrollment? If so give the date of such contract and the amount you were to pay. \_\_\_\_\_

7. Did you ever pay said attorneys any retainer or other fees or any money for expenses in connection with said enrollment? If so give the amount and date same was paid. \_\_\_\_\_

8. Please attach copies of any papers, receipts, correspondence, or a statement as to any verbal contracts with attorneys relating to fees covering this employment. \_\_\_\_\_

(Sign here) \_\_\_\_\_

Dated at \_\_\_\_\_ 191\_\_.

The record in the matter of the  
application of **MARY KING** forwarded  
to the Department with papers  
pertaining to attorneys' claims.

June 16, 1915.

Choc 6104

Joe T. Bevill

Aug. 1, 1914

Intermarried

6104

CHOCTAW CASE NO. 121.

Joe T. Bevill. Intermarried Choctaw.

An examination of the records of this office fail to show any application for the enrollment of the claimant herein within the time provided by law.

It appears from the testimony herein and the records of this office that Joe T. Bevill, the claimant herein, was the lawful wife of Alice Bevill, nee Pitchlynn, a Choctaw Indian, enrolled as such, whose name appears opposite Roll No. 13038; that said Joe T. Bevill and Alice Pitchlynn were married December 23, 1875, and that they were divorced in the year, 1900.

It further appears from said records that said Joe T. Bevill and his former wife, Alice Bevill, have five children, Jay, Abbie, Roy and Ray Bevill and Susie Owens, enrolled as Choctaw Indians, their names appearing opposite Roll No's. 13039 to 13043, inclusive.

From an examination of the records of this office the name of said Joe T. Bevill is not found on any of the tribal rolls of the Choctaw Nation, nor can any record in the possession of this office be found showing any recognition of said claimant by the Choctaw tribal authorities.

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 14th, 1911.

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In the matter of the application for the enrollment of  
Joe T. Bevill as a citizen by intermarriage of the Choctaw Nation.

Proceedings had at McAlester, Oklahoma, December 1st, 1910,  
before W. C. Pollock, Assistant Attorney, Interior Department.

Appearances (R. B. Coleman of North McAlester, Oklahoma, attorney  
(for applicant.  
(McCurtain & Hill, by D. C. McCurtain, attorneys for  
(the Choctaw Nation.

Joe T. Bevill, sworn and examined, testified as follows:

By Mr. Coleman:

- Q Mr. Bevill state your name, age, and place of residence?  
A Joe T. Bevill is my name; live at Scipio, Oklahoma.  
Q You have made application for enrollment as an intermarried citizen  
of the Choctaw Nation? A Yes sir.  
Q Who did you marry? A Alice E. Pitchlynn.  
Q Is she a Choctaw by blood? A Yes sir.  
Q Where did you marry her and when, or rather, when and where did  
you marry her? A In Beckham County, Indian Territory, in 1875,  
the 23rd day of December.  
Q Commonly called Red River County? A Yes sir.  
Q Is she still living? A Yes sir.  
Q Your wife is still living? A Yes sir.  
Q Did you procure a license at the time you married? A No sir.  
Q What process did you go through at that time? A I got ten  
signers that had known me a year, as a kind of recommendation,  
and took that to the County Judge and he married us on it.  
Q Took that to the County Judge? A District Judge or County Judge,  
I don't remember which.  
Q Were you married by the Judge? A Yes sir.  
Q Is the Judge living, do you know? A I don't think he is.  
Q What was his name? A Johnson J. Watkins. I remember that be-  
cause he wrote a beautiful hand and I used to try to copy his  
handwriting.  
Q Were there any witnesses besides the Judge to this marriage?  
A Yes sir, W. C. Epperson and wife and Jennie Harrison, an aunt to  
Alice Pitchlynn.  
Q Are any of those living? A I don't think so.  
Q Who was Alice Pitchlynn the daughter of? A Lon Pitchlynn, son of  
Peter P. Pitchlynn.  
Q Who was Lon Pitchlynn's father? A Peter P. Pitchlynn.



- Q I wish you would state now as to whether or not you have always been recognized as a citizen of the Choctaw Nation by intermarriage? A Always have.
- Q Do you know whether there was a record kept of your marriage or not? A I do not know.
- Q In the county court or district court? A I don't know anything about the record, whether there was anything kept at that time or not; that's a long while ago.
- Q Did you procure a certificate of marriage after your marriage from the Judge? A The Judge wrote me a certificate of marriage, yes sir.
- Q Where is that certificate? A I couldn't tell you, it is lost. A man that moves about half a dozen times in his life is liable to lose himself sometimes.
- Q What is the reason you didn't make application--you state in your petition I believe that you didn't make application--and I wish you would state why you didn't make application to be placed on the rolls when they were making the 1896 rolls? A Well, I used to think I stood pretty well here with my people, but I took a terrible downfall and got into the penitentiary and felt delicate about coming back, and after I got out of the penitentiary I went in the Cherokee country and I was so ashamed and didn't come back.
- Q Are you on any of the rolls of the Choctaw Nation as an intermarried citizen? A Yes sir, one roll.
- Q What roll was that? A The time they was taking the census to see if this county was entitled to another representative.
- Q The census taken in this county to see if it was sufficiently strong enough to have two representatives instead of one in the Choctaw Council? A Yes sir, and I think I was on another roll.
- Q Did you ever hold any official position in the Choctaw Nation or on the Governor's staff or otherwise? A I was private Secretary to Governor McKinney two years.
- Q Ever serve on the jury? A Yes sir, one time at Wilburton, and I was deputy county clerk of this county about a year.
- Q Ever serve as an election judge or clerk? A Served in Gaines county one time as election clerk out there.
- Q How long have you lived in this country, now Pittsburg county, formerly Tobucksey county, Choctaw Nation? A I came here the 10th day of November, 1882, and have been here all the while.
- Q Did you ever have the Choctaw authorities to question in any way your citizenship as a citizen by intermarriage of the Choctaw Nation? A Never did. The first time I ever went to vote old uncle Bill Pitchlynn was there and the question came up was this man a citizen of the Choctaw Nation and old uncle Bill said "yes sir, I know he is."
- Q You have voted regularly as a Choctaw citizen? A Yes sir.
- Q Bought and held lands and improvements and stock and everything as any other Choctaw citizen? A Yes sir.

By Mr. McCurtain:

- Q You say you didn't obtain a license to marry this woman?
- A No, not to the best of my knowledge I didn't. I got ten signers to recommend me that had known me a year and on that recommendation I went to the Judge and he married us.

Joe T. Bevill-----3

- Q Are you living with this wife now? A No sir.  
Q Married again? A Yes sir.  
Q Married a Choctaw or white woman? A White woman.

By Mr. Coleman:

- Q This county judge that married you was judge of the Choctaw county court or the district judge of the district court? A I don't know which it was.  
Q But it was the Choctaw court? A Yes sir, Choctaw court.

By Mr. Pollock:

- Q Mr. Bevill did you have any children by that marriage? A Yes sir, I had eight; five living.  
Q Are they enrolled? A Every one of them, yes sir.  
Q When did you separate from Alice Pitchlynn? A In 1898, about the first of March.  
Q Was that the time you were sent to the penitentiary? A Yes sir, at the time I was arrested that separation took place.  
Q Has there been any divorce between you and her? A Yes sir, she obtained a divorce from me.  
Q When was that? A I think the May term, 1900. Mr. Coleman can tell you about that. He was her lawyer at the time.  
Q In what court? A Choctaw court. She first made application here to the United States court and they told her she would have to go to the Choctaw court.  
Q That was in 1900? A Yes sir.  
Q When were you discharged from the penitentiary? A I think it was 1900 or 1901, I don't remember which.  
Q When did you come back to this country then? A About the 20th of June, 1908.  
Q Had you been living in the Indian Territory and Oklahoma? A All the time in the Cherokee country. When I came back I went up in the Cherokee country where I wasn't known.

Witness excused.

John O. Toole, sworn and examined as a witness, testified as follows:

By Mr. Coleman:

- Q State your name, age, and place of residence? A My name is John O. Toole, McAlester, Oklahoma, age fifty-seven.  
Q How long have you resided in what is now Pittsburg county and which used to be Tebuckay county? A I resided here about--well I made it my home since '85--about twenty-five years.  
Q Are you a Choctaw by blood or a United States citizen? A Choctaw by blood.  
Q Are you acquainted with Mr. Bevill? A Yes sir.  
Q How long have you been acquainted with him? A Well, I have known him about--well, ever since I have been here in this part of the country--about twenty-five years.

Joe T. Bevill-----4

- Q Has he to your knowledge always been recognized as a Choctaw citizen by intermarriage? A Yes sir.
- Q Married a Choctaw woman? A Yes sir.
- Q Do you know his wife? A Yes sir.
- Q Were you ever officially connected with the Choctaw Nation? A Yes sir.
- Q In what capacity? A Well, in several capacities. I was county clerk of old Tobuckey county which is now Pittsburg county; you see Pittsburg is a part of the old Tobuckey; and I was a member of the lower house of the Council two terms, and I was timber inspector for about three years.
- Q In your official capacity as county clerk you came within the purview of the recognition of every citizen in the county either by blood or intermarriage? A Yes sir. I knew every one.
- Q Was Mr. Bevill, in your official capacity, always recognized as a citizen by intermarriage of the Choctaw Nation with all the rights and privileges of the Choctaws? A Yes sir.
- Q Held land and took out permits? A Yes sir, we issued permits in those days to non-citizens, and the men who employed these white citizens would make an application--that was the law at that time--they made application and took out permits, and Mr. Bevill used to make his application regularly every---sometimes in the early part of the year--for his renters.
- Q So far as his rights are concerned as an intermarried citizen of the Choctaw Nation they have never been questioned? A No sir.

By Mr. McCurtain:

- Q You stated that he married a Choctaw woman; you know nothing of the marriage? A No sir.
- Q You stated he married a Choctaw woman; you mean reputed to be married, so far as you know? A Well, he lived with her and it was presumed he was married to her.
- Q Now in stating that he has been recognized as a citizen by being on juries, serving as election officer, paying permits and so forth, that in itself didn't confer citizenship rights did it, Mr. Toole? A No sir.

By Mr. Pollock:

- Q Mr. Toole, did Mr. Bevill and this Choctaw woman, Alice Pitchlynn, live together as man and wife? A Yes sir.
- Q Raised a family of children here in the Choctaw country? A Yes sir.
- Q Always recognized? A Always recognized. I have seen them together and they were recognized as man and wife.

Witness excused.

William Ansley, sworn and examined as a witness, testified as follows:

By Mr. Coleman:

- Q State your name, age, and place of residence, please?
- A William Ansley, North McAlester, Pittsburg County, age fifty-eight.

Joe T. Bevill-----5

- Q Do you know Mr. J. T. Bevill? A Yes sir.
- Q How long have you known him Mr. Ansley? A Why, something like fifteen or twenty years.
- Q Are you a member of the Choctaw tribe of Indians by blood, Mr. Ansley? A Yes sir.
- Q Have you held any official capacity in the Choctaw Nation under the old Choctaw laws? A Yes sir.
- Q State what it was please? A Well, I have held a position with the Sheriff as Chief Deputy Sheriff, and had a position as Collector and Census Taker, and under the district--both county and district collector, and I was on the Commission as--I reckon---I don't know what---I reckon it was the Dawes Commission--the Commission making up the rolls.
- Q Making the 1896 rolls? A Yes sir.
- Q In your official capacity as representative in the Choctaw Nation in any capacity, did you come in contact with Mr. Bevill officially?
- A Well, I can't remember anything special. Of course I know he was around and he was always recognized as such and I never heard any question in regard that he wasn't.
- Q Did you collect permits from him for his renters? A Well of course I couldn't say now.
- Q Do you remember in the enumeration of the census of this county--Tobucksy county--that you placed Mr. Bevill on the roll?

Mr. McCurtain:

We object to that. These rolls are in existence and they would be the best evidence as to whether he is on the tribal rolls.

Mr. Pollock:

Witness may answer question. The rolls will be examined, however.

- Q Mr. Bevill has always been recognized as a citizen of the Choctaw Nation? A Yes sir.
- Q Do you know his wife? A Yes sir.
- Q Do you know his children? A Yes sir.
- Q How many children has he? A Well I declare I don't know, there is four or five.
- Q His children are recognized? A Yes sir.
- Q And he has always been recognized so far as you know as a citizen of the Choctaw Nation and his right never been questioned in elections or anything? A Never been questioned so far as I know.
- Q You have served in elections where he voted? A Yes sir.
- Q And he wasn't challenged? A Never as I know of.

By Mr. Pollock:

- Q What is the name of Mr. Bevill's wife you spoke of? A I think it was Pitchlynn.
- Q What is her first name do you know? A Well sir, I don't believe I could tell you.
- Q But that was the mother of these children? A Yes sir, that's the mother of these children. I have been to the house and right around there and know that's the mother of the children; no question about that.
- Q They lived together as man and wife, openly, and raised a family?
- A Yes sir.

Joe T. Bevill-----5

By Mr. Coleman:

- Q At one time, Mr. Ansley, you were coal weigher for the Choctaw Nation here in this county? A Yes sir.
- Q Mr. Bevill was on your bond at that time wasn't he? A Yes sir.
- Q He wouldn't have been taken on your bond unless he was recognized as a Choctaw would he? A No sir.

Witness excused.

George Nelson, sworn and examined as a witness, testified as follows:

By Mr. Coleman:

- Q State your name and age and place of residence, Mr. Nelson?
- A George Nelson, McAlester, Oklahoma, forty years old.
- Q You know Mr. Joe T. Bevill, Mr. Nelson? A Yes sir.
- Q How long have you known him? A I got acquainted with him in Old Town when I was going to school.
- Q About how many years ago? A It's been a long time, I don't know just how long, must be twenty-five years.
- Q Now this is the man over here(pointing)? A Yes sir.
- Q This is the same man? A Yes sir, and at the same time his boy Jay was going to school.
- Q You have always known him ever since you have been large enough to recollect anything about citizenship and that he was a citizen of the Choctaw Nation? A Yes sir.
- Q Did you ever serve on a jury with him? A Yes sir, one time.
- Q On the grand jury? A Yes sir.
- Q What district of the Choctaw Nation? A Mushaletubbe.
- Q Commonly known as the First District? A First District, yes sir.
- Q Did you ever serve on an election board with him? A Yes sir, I have.
- Q In what county? A In Gaines county.
- Q He has always been recognized, as far as you know, as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
- Q Do you know his family? A No, I don't know his wife, but I know his boy Jay, and Roy.
- Q They live here do they? A I know Roy lives here, but I don't know where Jay lives.

By Mr. Pollock:

- Q Mr. Nelson what is your official capacity now? A Indian policeman and Indian interpreter for the District Agent at McAlester.

Witness excused.

Roy F. Bevill, sworn and examined as a witness, testified as follows:

By Mr. Coleman:

- Q State your name, age, and place of residence? A Roy F. Bevill,

Joe T. Bevill-----7

twenty-three years old, McAlester.

- Q Now Roy do you know Joe T. Bevill? A I do.  
Q Is this the man over here (pointing)? A That is.  
Q Are you a citizen by blood of the Choctaw Nation? A I am.  
Q Is your mother a citizen by blood of the Choctaw Nation? A She is.  
Q Is Joe T. Bevill sitting over here your father (pointing)? A He is.  
Q So far as you know he has always been recognized by the Choctaw authorities as a citizen by intermarriage of the Choctaw Nation?  
A I think so.  
Q His rights were never questioned that you know of? A No sir.  
Q Is there any more of the children, your brothers or sisters?  
A Are there any more?  
Q Yes sir, besides yourself? A Two brothers and two sisters.  
Q Please give their names? A Brothers, Jay F. and Ray E.  
Q Your sisters? A Susie Owens and Abbie Williams.  
Q Are they living? A Both living.  
Q Your two brothers living? A Yes sir.  
Q Are they on the rolls, the tribal rolls of the Choctaw Nation or official rolls? A They are.  
Q Have yourself and they selected your allotments? A We have.  
Q What was your mother's maiden name? A Pitchlynn.  
Q What is her given name? A Alice.  
Q Has she a middle name? A She has. It is E.  
Q She was Alice E. Pitchlynn? A Yes sir.  
Q She's still living is she? A Still living.  
Q She's on the tribal rolls too is she? A Yes sir.  
Q And has taken her allotment? A Yes sir.  
Q So far as you know your father has never taken an allotment has he?  
A No sir.

Witness excused.

Applicant is advised that he cannot be enrolled at this time and that it will be necessary for Congress to pass a law authorizing his enrollment before his name could be placed on the roll.

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Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

*Albert G. McMillan*

Subscribed and sworn to before me this 19 day of January, 1911.

*Edward M. M. M. M.*  
Notary Public.



(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

Muskogee, Oklahoma, October 18, 1910.

Mr. Joe T. Bevill,

Scipio, Oklahoma.

Sir:

On November 25, 1908, you applied for enrollment, as an intermarried Choctaw citizen, claiming to have married, in 1875, Alice Pitchlynn, by whom you had five children all of whom have been enrolled opposite Nos. 13038 to 13043, inclusive.

You are requested to procure and forward evidence of your marriage to the said Alice Pitchlynn, and, if you have no evidence of record, procure affidavits showing whether or not you were married to her in accordance with the Choctaw tribal law.

Please state the names of your children enrolled as claimed by you.

Enclosed find penalty envelope which requires no postage for reply.

Respectfully,

GR(LGG)  
Encl. 18-1.

Assistant Attorney  
Interior Department



(COPY)

Muskogee, Oklahoma, October 27, 1910.

GR

Mr. Sherman G. Brink,  
District Agent,  
McAlester, Oklahoma.

Sir:

For Departmental use and with the consent of United States Indian Superintendent, Kelsey you are requested to call upon Joe T. Bevill at Scipio, Oklahoma, and procure record evidence of his marriage to Alice Pitchlynn, enrolled as Alice Bevill, Choctaw by blood, roll No. 13038. He claims that by his marriage to Alice Pitchlynn, five children of his have been enrolled as Choctaw citizens, roll numbers 13038 to 13043, inclusive.

Joe T. Bevill further claims that at the time of the enrollment he was in the United States Penitentiary, place not stated, and that his wife secured a divorce from him in 1900, and feeling keenly his disgrace he never applied for enrollment as a Choctaw citizen.

If record evidence of his marriage cannot be obtained procure his affidavit and that of two disinterested witnesses who have personal knowledge of his marriage and whether he was married under United States law or Choctaw Tribal law.

Report the result of your investigation to me in care of the Commissioner to the Five Civilized Tribes, at Muskogee, Oklahoma.

Respectfully,

W. C. Pollock

Assistant Attorney Interior Department.

GR(JCL)

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

McAlester, Oklahoma, November 12, 1910.

Mr. W. C. Pollock,

Assistant Attorney Interior Department.

Muskogee, Oklahoma.

Sir:-

In compliance with request contained in your letter of October 27, 1910, I beg to report that I have interviewed Joe T. Bevill, of Scipio, Oklahoma, relative to his marriage to Alice Pitchlynn, enrolled opposite roll No. 13038 as Alice Bevill, a Choctaw citizen. There is enclosed herewith, an affidavit, made by Mr. Bevill relative to his marriage.

It appears that he was married in Bokhoma, (or Red River), County Indian Territory, by the County Judge in 1875 and all the witnesses are dead. If there is a record of the marriage, it would appear in the Choctaw Records of that year now in the custody of the Commissioner to the Five Civilized Tribes. I would further suggest that the divorce proceedings instituted before the Choctaw District Court are in custody of the Commissioner, and a copy of the complaint or Decree could probably be of use in establishing the fact of the marriage.

As no witnesses are alive by whom the actual marriage can be established, I desire to know if you would care to have the testimony of witnesses who have known Joe T. Bevill and Alice Bevill, nee Pitchlynn, as husband and wife, during most

W. C. P. 2.

of their married life. This evidence can easily be procured as all of the persons named in the affidavit are living in the vicinity of McAlester. If you so advise me, I will procure this evidence.

Respectfully,

S. G. Brink

District Agent.

(COPY)

Office of Indian Affairs  
Received Jul 24 1913  
90635

STATE OF OKLAHOMA  
COUNTY OF PITTSBURG.

Joe T. Bevill, of lawful age, being first duly sworn,  
upon his oath deposes and says:

That on or about December 23, 1875 he was living near Mill Creek Texas, across Red River from Bokhoma County Indian Territory. That on said day, to-wit, the 23rd day of December 1875 he was married to Alice Pitchlynn, a Choctaw Indian by blood, a daughter of Leonadas Pitchlynn. That he procured no regular marriage license, as no license was issued by any authority in Indian Territory at that time. In accordance with Choctaw custom, he procured the signature of ten witnesses who had known him one year prior to that time, certifying to his good moral character, and with that petition he and Alice Pitchlynn, accompanied by W. C. Epperson and wife and Jennie Harris, went to the home of Johnson J. Watkins, County Judge of Bokhoma County, and were by him married. The witnesses to the marriage ceremony are now all dead, the officer marrying them is dead, and besides affiant, the only person living who has actual knowledge of said marriage is his said wife, Alice Bevill.

Affiant further states that about the May 1900 term of the District Court of the Choctaw Nation, First Judicial District, then held at Red Oak, Indian Territory, his said wife, Alice Bevill, procured a divorce from him upon the ground that he had been convicted of a felony and was at that time serving out a sentence in the State Penitentiary at Little Rock, Arkansas.

Affiant further states that he was discharged from said penitentiary on November following the granting of said decree of divorce, and feeling keenly his disgrace, did not apply for enrollment as a citizen by intermarriage of the Choctaw Nation.

Affiant further states that he can prove by John O. Toole, former County Clerk of Tobukey County, Indian Territory, Mrs. Aricilla Wood, William Ansley, Judge George W. Choate, and many others, that he and the said Alice E. Bevill, nee Pitchlynn lived together as man and wife, and that she bore him five children, to-wit: Jay Bevill, Susie Owens, nee Bevill, Abbie Williams, nee Bevill, Roy Bevill, and Ray Bevill. The above named witnesses can testify to having known said affiant and Alice E. Bevill, nee Pitchlynn as husband and wife, for periods of time from eighteen to twenty-five years.

Affiant further states that at the time of the preparation of the 1896 Tribal Roll he was confined in the State Penitentiary at Little Rock, and for that reason, did not make application for enrollment as a citizen by intermarriage.

Joe T. Bevill

Subscribed and sworn to before me this the 12th day of  
November 1910.

SIAL

Loyd B. Locke  
Notary Public

My commission expires Nov 16th 1912

(COPY)

Choctaw by blood.

Census C

13038	Alice	Bevill	4719
39	Jay	"	
13041	Abbie	"	
13042	Roy	"	
13043	Ray	"	
13040	Susie	Owens	

EMPTY



EMPTY

EMPTY

EMPTY

EMPTY

END  
OF  
ROLL

